



UNJUST, UNEQUAL, UNSTOPPABLE:

FIJI LESBIANS, BISEXUAL WOMEN, TRANSMEN AND GENDER NON CONFORMING PEOPLE TIPPING THE SCALES TOWARD JUSTICE



Published May 2019

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PO Box 10167, Laucala Beach Estate, Fiji.



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**Diverse Voices and Action (DIVA) for Equality
May 2019**



“All women, all people, all human rights, social, economic, ecological and climate justice, everywhere.”

DIVA FOR EQUALITY VISION

Foreword from the DIVA Research Team

DIVA for Equality is an intergenerational group of Fiji LBT feminist and women's human rights advocates working in a complex environment and context. We are working for sexual and gender justice, social, economic, ecological and climate justice in a Pacific small-island, ethnically diverse, post-colonial and conservative Christian majority environment with a history since independence of ethnic and religious tolerance if not celebration; struggles with militarisation and repeated coups and a complicated mix of traditionalist and modernist indigenous ideas and groupings. In this atmosphere there has also been inspiring, complex and active feminist, human rights and development organising connected to wider social movements over decades.

DIVA for Equality started collective work in 2011 from an explicit south feminist interlinkage analysis. The initial ten local women, mostly first time activists, learnt political analysis and lived through the everyday realities of LBT people, women and children. In the past 8 years the collective has built joint work with wider community, civil society groups and Fiji and Pacific SIDS governments toward advancement of sexual rights, human rights, gender justice and sustainable climate just development. The group started with \$10 FJD transport allowance per month and worked until 2015 in the front room of the house of a founding member. The group started internal freeschools to decide who we are, what we can do, and how we would do it together, as lesbian, queer and gender non-conforming feminists. We built relationships with other grassroots groups and individuals, We planned, and worked hard to build organising Hubs across the country, so that we can truly move nationally - with transparency, clear politics and accountability. Today, 8 years later, this research report is our evidence-base, check-in, and next step in this journey.

There has to date been scant evidential research undertaken on the socio-economic and human rights situation of LBT women and GNC people in Fiji and the Pacific. Where it exists, it is generally not written by LBT, LGBTQI, or even Pacific Islanders living in PSIDS although there have been some small studies lately completed. Far too much of our herstories and everyday reality is still written by those who are not Pacific LBT women and GNC people. This is unacceptable. This research is part of the urgent work for change.

With the support of feminist and LGBTI movement funders such as Mama Cash, International Women's Health Coalition, Astraea Lesbian Foundation and the Australian Government through the We Rise 2 Coalition and Pacific Women Shaping Pacific Development, DIVA for Equality have spent 8 years building mechanisms of social movement inclusion for lesbians, bisexual women, transmasculine and transmen and gender non-conforming people.

DIVA for Equality has since 2015 put into motion a robust set of national grassroots led research and movement-building work to advance issues of gender justice and LBT women's human rights. This is research that sits within wider core south feminist mobilisation. This is not 'a research project'.

In simultaneous work, with some funds from European Union through Fiji Women's Rights Movement (FWRM) and femLINK Pacific as partners, DIVA for Equality has also carried out a smaller survey focused on LBT women, gender non conforming people and access to justice in Fiji. This work is linked to a wider 'Balance the scales' project. This will be written up as a separate summary research article to be released in July 2019.

In the coming 3-5 years, more research and analytical work of DIVA for Equality and accomplices will increase in Fiji and the Pacific through focused advocacy, policy input and movement-building based on this early research. More work will strengthen the knowledge, skills and strategic direction of change work by and for Fiji and Pacific lesbians, bisexual women, transmen, transmasculine and gender non-conforming people. Thank you for being part of that work, by learning more, and doing more for LBT women and GNC people.

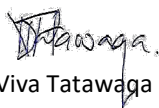
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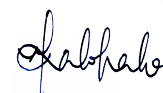
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“

A person must not be unfairly discriminated against, directly or indirectly on the grounds of his or her

...sex, gender, sexual orientation, gender identity and expression,...

”

Constitution of the Republic of Fiji, Bill of Rights. Article 26 3(a)

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Feminist activism deepens the theory and practice of research, so we thank all the individuals and groups who have worked with DIVA for Equality on feminist activism from 2011, and contributed to this research. This work arises from urgent need, fierce activism, pragmatic advocacy and ecosystems of care and wellbeing work over 4 years.

This work only happens because of the financial and non-financial assistance of many, including feminist funding groups such as **Mama Cash, Astraea Lesbian Foundation, and International Women's Health Coalition**, since the beginning of DIVA for Equality as well as the specific funding provided by the **Australian Government over the past 4 years for this research project, through funding to the We Rise Coalition**. We had a belief in DIVA's capacity to carry out this complicated, difficult and rewarding feminist action-based research. We did it! We will keep doing it! It is enough! Onward.

We therefore wish to deeply thank the following, and there are many more that are unnamed, and you know who you are:

DIVA Community Research team, including all of the Management Collective, and the 3 Community Researchers Kinisimere (Kiny) Tinai, Sesenieli (Bui) Naitala, and Eleanoa (Qica) Talica Vunakece, chosen as representatives by the 23 member strong DIVA Community Research Network.

DIVA Community Research Network, including 23 LBT and GNC research focal points from Suva, Sigatoka, Nadi, Lautoka, Ba, Tavua, Vatukoula, Rakiraki, Levuka, Taveuni, Labasa and Savusavu, and more.

All other LBT and LGBTQI organisation and groups in Fiji, around the Pacific and diaspora. We love you!

Patriots Sports Club

Survival Advocacy Network (SAN)

Shirley Tagi, DIVA Coordinator, Co-Lead Researcher, Contributing writer to final report

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Vilisi Gadolo, Women's Human Rights Advocate, Accomplice, Contributing writer to the final report

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All the staff, Office of the High Commissioner on Human Rights, Pacific Office

Social Development Program staff, Accomplices, Pacific Community (SPC)

Tara Chetty, Women's Human Rights Advocate, Wellbeing Accomplice



FIJI Quick Facts

CONSTITUTIONAL PROTECTION ¹

SECTION 26 3(a)

“A person must not be unfairly discriminated against, directly or indirectly on the grounds of his or her

(a) actual or supposed personal characteristics or circumstances, including race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy”

SECTION 11

1) “Every person has the right to freedom from torture of any kind, whether physical, mental or emotional, and from cruel, inhumane, degrading or disproportionately severe treatment or punishment”

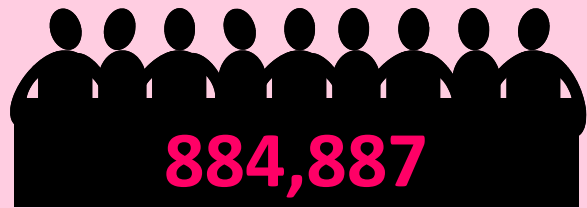
2) “Every person has the right to security of the person, which includes the right to be free from any form of violence from any source, at home, school, work or in any other place”.

RELIGION ²

Self identifying as Christian

77%

POPULATION ³



Females 436,292

Males 448,595

64%

Of women in Fiji experience physical and/or sexual intimate partner violence in their lifetime. ⁴

DISABILITY ⁵

113,597

Of people in Fiji are reported to have one functioning challenge.

UNEMPLOYMENT RATE ⁶

TOTAL FIJI POPULATION ABOVE 15+ YEARS OLD - **625,099**

Total paid and unpaid work - **340,739**

Total Unemployed - **16,050**

Total Outside the labour force - **268,310**



Glossary ⁷

Bisexual woman. A woman who is attracted to people gendered men or women.

Cisgender. (sometimes cissexual, often abbreviated to simply **cis**) is a term for people whose gender identity matches the sex that they were assigned at birth. For example, someone who identifies as a woman and was assigned female sex at birth is a cis-gender woman.

Gender. The social and cultural construction of what it means to be a man or a woman, including roles, expectations and behaviour.

Gender expression. How someone expresses their sense of masculinity and/or femininity externally.

Gender Identity. A person's internal, deeply felt sense of being male or female (or something other or in between). A person's gender identity may or may not correspond with their sex. Gender identity and its expression vary greatly. There is no universally accepted umbrella term that adequately conveys the rich diversity of gender identities. People are free to define their own gender identity and not all people fit neatly into categories.

Gender non-conforming/person with non-conforming identity or gender expression. A person who has, or is perceived to have, gender-related characteristics and/or behaviors that do not conform to traditional or societal expectations. Gender non-conforming women may or may not also identify as lesbian, gay, bisexual, or transgender.

Intersex. A general term used for a variety of conditions in which a person is born with reproductive or sexual anatomy that does not seem to fit the typical biological definitions of female or male. Some people now call themselves 'intersex'. Most people who are intersex or have an intersex medical condition identify simply as male or female, and are not trans. Most trans people are not born with intersex medical conditions.

Lesbian. Used exclusively in relation to homosexual/same-sex attracted women.

Queer. Historically, queer has been used as an epithet/slur against people in Western societies whose gender, gender expression and/or sexuality do not conform to dominant expectations. Some people have reclaimed the word queer and self identify as such. Others do not use it at all. For some, a reclamation of this word is a celebration of not fitting into norms. Manifestations of oppression within gay and lesbian movements such as racism, sizeism, ableism

cissexism, transmisogyny as well as assimilation politics, resulted in many people being marginalized, thus, for some, queer is a radical stance that captures multiple aspects of identities.

Sex Characteristics. The anatomy of an individual's sexual and reproductive system and secondary sex characteristics.

Sexual Orientation. The direction of a person's sexuality relative to their own sex. Sexual orientation is usually categorised as; homosexual (directed at the same sex), heterosexual (directed at the opposite sex), or bisexual (directed at both sexes). Gender identity is about someone's personal sense of maleness and/or femaleness. Gender identity is different from sexual orientation, which is who someone is attracted to or chooses as a sexual or romantic partner. Trans people may be heterosexual/straight, lesbian, gay or bisexual just like non-trans people.

Sexual and Reproductive Health and Rights (SRHR): Sexual and reproductive health and rights (SRHR) can be understood as the human right for all, whether young or old, women, men or transgender, straight, gay, lesbian or bisexual, HIV positive or negative or any other intersectional identity, to make choices regarding their own sexuality and reproduction, providing they respect the rights of others to bodily integrity and bodily autonomy. This definition also includes the right to access information and services needed to support these choices and optimise health. Feminists use a comprehensive definition - not just 'sexual health', not just 'reproductive rights', not just 'reproductive health', not just 'sexual rights', not merely 'sexual and reproductive health and reproductive rights', not 'sexual reproductive health rights' (as there is no such thing), but calling for full **sexual and reproductive health and rights (SRHR)**. Please do not shorten the phrase, as it changes and weakens the political meaning.

Transgender person. A person whose gender identity is different from their physical sex at birth.

Transgender man. A person born with a cis female body who has the gender identity of a man.

Transgender woman. A person born with a cis male body who has the gender identity of a woman.

Note: *There are many other words and terms to learn as together we continue to correct the inequalities and discrimination perpetuated in language, and learn more about human sexuality, gender, rights and freedoms. We continue to build language of respect, empathy and compassion.*

Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSE	Comprehensive Sexuality Education
CSO	Civil Society Organisation
DIVA	Diverse Voices and Action for Equality
EVAW	Elimination of Violence Against Women
FPF	Fiji Police Force
FWCC	Fiji Women’s Crisis Centre
FWRM	Fiji Women’s Rights Movement
FHRADC	Fiji Human Rights and Anti-Discrimination Commission
ICCPR	International Covenant on Civil and Political Rights
LAC	Legal Aid Commission
GNCP	Gender Non Conforming People
LBT	Lesbian, Bisexual, Transgender,/Transman/Transmasculine
LGBTQI	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex
MC	Management Collective
MSP	Medical Services Pacific
PacLII	Pacific Islands Legal Information Institute
PIFS	Pacific Islands Forum Secretariat
PSIDS	Pacific Small Island Developing States
SDG	Sustainable Development Goals
SOGIESC	Sexual Orientation, Gender Identity and Expression and Sex Characteristics
SPC	Pacific Community
SRHR	Sexual and Reproductive Health and Rights
STI	Sexually Transmitted Infections
UCLA	University of California, Los Angeles
UDHR	Universal Declaration of Human Rights
VAW	Violence Against Women
WHO	World Health Organisation

Executive Summary

Since 2011, DIVA for Equality found it hard to find and access ‘better practice’ feminist or LGBTQI led action based research methodologies that can be useful for grassroots LBT women and GNC people groups in the economic South, and especially in Pacific small island states.

So we decided to design one for ourselves.

DIVA for Equality grassroots work since 2011 shows clearly that lesbian, bisexual and transgender people and those with other non-heteronormative sexual orientation and gender identity face very high levels of state and non-state stigma, community control and marginalization, mental, physical and sexual violence, violations of bodily integrity and autonomy, lack access to justice and to many basic state services that heteronormative people already access, even if partially or with difficulty. But we did not have published evidence. So we began, learnt as we worked, found funds, and here we are!

This feminist action-based research fills some data and analysis gaps to move forward evidence based policy reform and development in Fiji and to build a Pacific that is inclusive of, and responsive to LBT women and GNC people in Fiji. It provides channels for direct voice and evidence-based action on our own justice issues. It assists us to speak and act for ourselves.

The four year action-based project has included throughout, a strong validation process. Our promise to LBT and GNC people in Fiji was to ‘re-search’, develop and share findings in a way that reveals feminist politics built together since 2011 and through local praxis (action and reflection cycles) to keep our work on track.

We do not need to be perfect in this work, and we reject the idea that academic research is perfect, or even necessarily better. There is a need for multiple forms of research. We encourage other LGBTQI civil society groups to do action-based feminist research wherever they are in Pacific small island states and territories, and wider. Nothing about us, without us. We are not saying it is easy. But we know that most grassroots groups do not do research and analysis because others tell them they cannot, or that it will be hard on the organisation. We heard it a lot at the beginning, and too many offers of ‘training’, ‘direction’ and ‘advice’. We then systematically worked through our own capacities, identified resources and models, potential accompaniment and made careful decisions on the political economy of the research, the frame of the politics guiding this work, and our red lines. Only then did we move.

There will be many more reports coming from the data in this research project. There is so much to further examine. This initial report documents core experiences and strategies of LBT women and gender non-conforming people in Fiji across a number of priority themes chosen by the DIVA Community Research Network. It sets up some initial findings on the following issues that will be moved by DIVA for Equality and wider work in coming years:

It is clear from the research that societal violence directed at LBT women and GNC people in Fiji is suffocating, pervasive and lifelong, normalised and carried through State and non-state systems. To tweak at various solutions is not the answer.

*Rather we need to ensure that we understand the impact of toxic masculinities, how they violate and are violent. How they harden and are hardened by patriarchy, racism and heteronormativity.

*We must re-centre our society toward one that cares deeply about justice, equity and every citizen.

*We need to be clearer on who holds too much power, who gives up some power so that others can live better/at all, and how to show those with too much privilege and power that they too will have better lives, and communities, and society, when this change comes.

The short term urgent work continues, but these long-term systemic shifts are the real feminist work for change. These jigsaw puzzle pieces include sections dealing with the problems and resilience strategies of LBT women and GNC people: Each section includes quotes, key findings, analysis and recommendations. There is an examination of mental, physical and sexual violence in intimate partnerships, families, the State and wider community. There are critiques and proposals on reform of the health and education systems toward better bodily autonomy. Other sections include conceptualisations of justice and experiences of LBT women with the Fiji Police and Fiji Court, attention to ways that faith based communities often perpetuate the strongest disciplining and violence against LBT women and GNC people, and for others they are a source of great support.

The anger and pain of LBT women and GNC people is palpable in all sections, as is the defiance and determination not to be driven from society. The report closes with various strategies of resistance, joy and celebration, more information on upcoming work of DIVA for Equality, and next steps for further reports, analysis and action.

The report identifies a few key recommendations to State and non-state actors, and will assist in identification of immediate and medium term strategies by local Hubs of LBT women around Fiji. It will guide the work of DIVA for Equality, LBT and LGBTQI led groups, the Government of Fiji, UN agencies, development institutions, and other stakeholders in Pacific and other small island states.

Overall, this report insists that individual negotiations of autonomy and freedom, development capabilities and reconfigurations of State and society are all necessary and urgent if we are to achieve universal, indivisible human rights and social, economic, ecological and climate justice for all, including LBT women and gender variant people in Fiji.



Photo credit: Eserani Munivai

Introduction

Context, conditions in Fiji, and why this research matters

“ In all these situations, in all these ways, the charge of being a lesbian is used to keep women from enjoying their basic rights...The charge forces silence, and it threatens existence.”⁸

Three decades of organised LGBTI community organising in Fiji has shown that just like people around the world, LGBTI women and people in Fiji and the Pacific have severely suffered - We face loss of life, freedom and peaceful existence at the hands of homophobic and transphobic people including in our own families and wider societies.

We face unwarranted medical intervention, all forms of violence, pathologization and wrongful treatment. We have people who do not even know us, telling us that we are evil, do not belong, or are deficient in some way. We live in a nation state that has experienced and struggled to end the unfairness, ravages and brutality of colonialism, post-colonialism, militarism, and the military industrial complex, imperialism, neoliberal capitalist capture of our economies and resources, climate injustice, maldevelopment, structural adjustment policies, hyper-developmentalism, and more. We have also been part of resistance movements including the anti-nuclear and climate justice movements, and the past four to five decades have seen the rise of women’s human rights, gender justice and human rights movements in the region. These are our realities.

LBT and GNC people in the Pacific have experienced kindness, acceptance, love from others in the region, and there has been shared work for change. Many survive, and sometimes even thrive. But more times than not, we falter or collapse under the weight of human rights abuses and violence. We have many struggle stories, but little evidence-based reports and analysis. We have not had time, energy nor often inclination for this work, as we live and move through unfriendly social, economic and ecological systems. Sometimes it is enough to get up in the morning.

As any other victims of human rights violations, LGBTI people in Fiji have the right to truth, rehabilitation and reparation. This report is about continued and strategic truth-telling. This report matters because it is about LBT and GNC people in Fiji building political will, offering evidence-based strategies to state and non-state actors, and building paths to justice and human rights, as we walk it.

This report shows the pain as well as the joy of being lesbians, bisexual women, transgender men and people with non-conforming gender identity and expression in Fiji.

Ultimately, this report exists to say : We are here. We are individuals, part of communities, kinship networks and families, societies, and wider social movements. This is what we experience daily and through our life cycles. We are activists because we have to be, to survive and thrive. We have formed communities to develop evidence-based, informed, strong and expert views on our realities based on lived experience. We call on the Fiji Government and everyone to act from this evidence, with compassion and with due attention to universal human rights, women's human rights, and justice for all.

UNJUST AND UNEQUAL!

Public attitudes about LGBTI people heavily influence social acceptance or rejection. Negative beliefs about LGBTI people can serve as a basis to reject and exclude. These shared beliefs are stigmas, where we believe things about people based on a characteristic they have, eg when someone says, 'These women are lesbians therefore they are bad women, therefore their human rights don't matter.' Powerful social forces such as tradition, religion, law, medicine, civil society, political parties and the media contribute to the existence of positive and negative beliefs about LGBTI people.⁹

In Fiji as in other settings, being LGBTI often carries with it a stigma underpinned by a belief that one is bad, incomplete, sick, immature, unskilled, sinful, or generally undesirable. But this is also changing with some hard work by many, over time.

Power and control in our societies is not just about who is considered morally good or bad. It is also about the millennia-long struggle to shift normalisation of patriarchal, racist, heteronormative and masculinised belief-systems, and to end the violence, discrimination and stigma that arises from wrongheaded, unjust beliefs. It is about tearing down vertical power with elite, toxic patriarchal masculinised forces at the top. It is about re-orienting our visions for healthy people, society and planet. It is about ending distracting fights for residual power that destroy ourselves and each other and leave the powerful, untouched. It is about disrupting systems designed to keep those same patriarchs in power, at the expense of the rest of us. Feminist work, including by LBT and GNC people, must now urgently include new visions and new designs for justice, respect and universal human rights. This is urgent, as climate scientists tell us, because toxic human-designed systems are now close to sending humans and other species extinct, and to decimating the earth's biosphere and changing our climate and ecology in ways we cannot imagine. Time is so short.¹⁰

Fiji is small in land mass despite our 300+ islands. This means a society with tight, intense and complicated socio-political space that is still heavily patriarchal, racist and ethnicised, hierarchical and with strongly gendered norms. There has been some considerable progress on formal democratisation and women's equality and human rights in the past 49 years since

Independence from British colonial rule in 1970. However, the epidemic levels of violence against women and LGBTI people, show another aspect to Fiji that is situated in toxic masculinities, and prevailing patriarchy that must be rooted out, for real gender justice to emerge.

While there are positive claimed social norms in Fiji of attachment to country, to community, of welcoming visitors, to hospitality and deep communalism there are darker sides to our country, as everywhere. Fijians are expert at silencing dissent, protest and change in this small physical and social space. We conform easily to hierarchy, being used to small society politics, and because of colonial and Indigenous power systems where oral cultures once able to nuance, re-position and freely negotiate (peacefully and not), are now increasingly frozen into place by colonial institutions and the pen, messed about and ripped apart by subsequent coups and elected governments.

Fiji people have a healthy distrust of formal power, and are often pulled between secular, faith and religious power. Many Fijians simultaneously resent and yet reify social power held by chiefs. Most try to weave their way through elaborate systems of kinship and rules based systems that try to define and redefine one's roles in society through one's lifetime, at the same time as they chafe at the restraints and push for progressive change.

So the result is that many proposed attempts at change, dissent and difference in Fiji are not allowed to breathe and form. They are squashed early, quickly and effectively through social, economic and political sanctions. There is a prevailing teasing culture. There is mental, physical and sexualised violence and disciplining of bodies in terms of hair, clothes, dress and body language. There is a pressure to conform and expect others to do same, even as we outwardly push for diversity and difference in larger numbers.

This is true for gender identity, expression and sexual orientation. For most people in Fiji, social and cultural norms are still strongly defined, implemented and maintained in familiarly framed social systems (whether or not healthy versions), so that it seems hard to stand against the idea of 'family' and mainstreamed, hierarchical social structures and 'traditions'. Some variants are now allowed for modernist gender expressions and young people continue to push boundaries on how they construct their own Fiji identities, families and households but this is careful challenge, and reform more than revolution, and certainly not as often, in rural and maritime village, church and Indigenous cultural settings. This cultural stasis is reinforced in stories told by and to community, and in the ways that Fijians of all ethnic backgrounds socially discipline each other on moral and acceptable looks, lifestyle and behaviour, and often trying to take down those that challenge boundaries of heteronormative social, economic and cultural conformity.

The cost on most women's bodies from such smothering, patriarchally defining systems, is severe. The costs to LGBTQI people and anyone who stands outside the perceived norms of

'good Fijians' is exponentially higher. Sometimes one pays with one's life, and certainly too many LGBTQI lives are shattered by mental health, homelessness, poverty and health crises. There are girls and boys who experience sanctioning, discipline and violence daily, to the shocking living conditions of mothers whose bodies and homes are broken daily by brutal, controlling men and sometimes kept in almost total social isolation. The violence that brutalised mothers face affects children and whole households.

Then there is the economic violence to young people forced to financially provide for entire households often including wider kinship networks, and for churches and clubs with unrealistic demands for endless 'soqo', donations and remittances. There are the dangerous environments of busy, porous and transient extended family households, sharing care labour between close and far relatives but also often wreaking havoc as relatives and friends leave children, young people and women abused, when they move on to another home. These are everyday realities shared by LBT women and GNCP of this survey and through DIVA for Equality community grassroots projects since 2011 in urban poor, rural and maritime Fiji.

As the people of Fiji have tried to build self-governance on still-tainted post-colonial soil, as with all colonised people we have experienced repeated disruptions, interruptions and cleavages of society and state from repeated militarised coups, separate development of ethnicities, stereotypes and prejudices and both institutional and social racism, and distortions of democratisation. Socio-economic inequalities that are both vertical and horizontal create divisions, with challenges to status quo from both government and non-government social interventions, and they have had varied effect.¹¹

Despite all this, people of Fiji work, learn, agitate, mobilise, and build change in pockets and en masse. This report is an example of this hope, resilience and motivated work for the future by lesbian women, trans men, transmasculine and gender non-conforming people in Fiji.

UNSTOPPABLE!

DIVA for Equality upholds individual and universal human rights and freedoms, to be realized at the global, regional, national, local and individual levels.

The Republic of the Fiji Islands has been commended for having had 'Sexual orientation' as a status that is protected from discrimination as far back as the 1997 Constitution and further for the inclusion of 'Gender identity and Gender expression' added under the 2013 Constitution, as the only one in the Pacific islands region outside Australia and Aotearoa/NZ that specifies a person's protection from unfair discrimination on grounds of sexual orientation and gender identity and gender expression, among other grounds. However, currently the 2013 Fiji Constitution specifically prevents these human rights from being applied in cases of marriage, adoption, and inheritance, thus violating the principle of universality and non-discrimination.¹²

As a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Declaration and Platform of Action in 1995, in its Fiji Development Plan 2017-2036 Fiji further states that it is dedicated to ensuring that **all women** (our emphasis) are included substantively and prominently in the development process.¹³

However, despite this worthy domestic articulation of goals and ratification of various international law, there is hardly anything formally advanced domestically by the State for LBT women and people to bring legislation, policy and practice into congruence and compliance, despite the visionary Bill of Rights in the Fiji Constitution (2013). There have been unhelpful statements from some political and religious leaders over the years, including the Fiji Prime Minister, even as LGBTI and women's groups continue to work constructively with Government, Churches and other institutions on joint programmes. This includes Fiji Police, Fiji Prisons Authority, Ministry for Women, Children and Poverty Alleviation, Ministry for Environment, SPC, PIFS, UN agencies, schools, Universities and many others, as Fiji increases its work in the Human Rights Council and other global multilateral processes.

We appreciate the recent increase in willingness of Fiji to sign up to key roles in the United Nations human rights processes, and a recognition by the Fiji Prime Minister in his speech at the 40th session of the Human Rights Council, on the need to ensure that all women in our society “are made safe from violence, that they have steadfast protections of their sexual and reproductive rights, and that women and young girls are empowered with opportunity to become the Fijians they want to be.”¹⁴

We agree. So we call for consistency and coherence in recognition, implementation and protection of human rights. The Fiji State and all political parties must comply with international treaties and long-agreed international commitments such as the Beijing Declaration, Platform for Action and Follow-up Conferences - so as to remove obstacles from the public and private spheres that prevent all women (including cis and trans women, gender variant, heterosexual, lesbian, bisexual and transgender men and people with non-conforming gender identity and expression et al) from enjoying violence and discrimination-free lives, and enjoying human rights and freedoms.

According to UNWomen analysis, to turn the ideas of gender justice, SDGs and access to justice goals into reality, this will require revolutions in data, policy, programming and implementation. This is true, and further, change work requires deep changes to the conceptualisation and articulation of the entire human rights, gender justice and sustainable development agendas. First to carefully unpack, hold to the light, discuss and disentangle sex, gender, SOGIESC, and intersectional categories.

Secondly, many of us already use an intersectional approach that recognises that ethnicity, skin colour, class, gender, sexuality, age, ability, HIV status, Indigeneity, ethnic minority status, location, socio-economic background and other aspects of identity are experienced

simultaneously, that the meanings of different aspects of identity are shaped by one another, and that we negotiate power through and around these identities.¹⁵ However, this must influence states and mainstream institutions, to be really useful.

A focus on intersectionality and interlinkage of development issues, when combined with the 'capabilities' and 'capabilities deficit' model advanced by Amartya Sen,¹⁶ allows us to propose a more nuanced understanding of LBT women and GNC people in different social groups, and development alternatives. Importantly, the concept of agency remains intact in this frame because the focus is not just on the person and identity categories, but on interactions of intersectional bodies with all the attendant variances of structural privilege, reification, openings, facilitated engagement, violence, obstructions, impediments, gaps, barriers and interferences (including misogyny, lesbiphobia, biphobia, homophobia, transphobia, racism, ableism, faith based fundamentalisms, and more) that lead to differential access to material and symbolic resources, including money, power, human rights, social, economic, ecological and climate well-being, and development justice.

In a current project with Habitat for Humanity Fiji, Australia Pacific Training Coalition (APTC) and other partners, funded by Asia Development Bank (ADB), we are all aiming to raise the capabilities and opportunities for LBT women and GNC people, single mothers, widows, transgender and intersex people, people with disabilities, and those from ethnic minorities and indigenous people among others, to advocate for access and implementation of gender-transformational post-disaster housing. We are creating transformational opportunities to, i) shift gendered culture in the construction industry, ii) build back safer and in more climate resilient and just ways, and iii) ensure that there are many more women builders that are trained, accompanied and resourced to change the face of adequate housing in Fiji. As one of the women builders asserts, "*Men build to complete, women build to perfection*".

In the bodies and lives of lesbians, bisexual women and girls, transgender women and girls, transgender men, transgender masculine and other gender non-conforming people, all the different dimensions of deprivation, injustice, oppression, violence, neglect, tolerance, wellbeing, health and justice lie on a complex spectrum, changing with many variables. So we must know intimately the context and conditions in which women and person of non-heteronormative non-binary sexual orientation, gender identity, gender expression and sex characteristics live, in Fiji. This is never the work of parachute activism, but of long-term accomplices and LBT women and GNC people in Fiji. Then only we can define and work on access to justice, over space and time. If not, we run the risk of continuing to assume that what is true for heterosexual women is true for LBT women and gender non-conforming people, and what is true for one Fijian LBT woman, is true for another.

Relatedly, on the issue of human rights of intersex people, 15% of LBT and GNC respondents to the survey say that they are intersex. This is 98 of the 645 survey respondents. DIVA for Equality is aware of the dangers of conflation and misrepresentation of intersex human rights as being an 'LGBT issue'. This report therefore does not further cover intersex human rights.

This will be covered in a separate upcoming report. As Australian intersex activist Morgan Carpenter has raised many times, LGBT discourse is typically framed around human rights of those with particular sexual orientations and gender identities even while most intersex people do not identify with third sex or gender categories. So he asserts that people's actual diverse identities can be undermined by association. DIVA will therefore work with this set of findings carefully, after more work with community, and intersex rights experts.

This research builds on the longtime work of activists from DIVA for Equality and wider feminist and LGBTQI movements. What we already know, and relating this to Agenda 2030 and the SDGs, is that a lesbian, bisexual or transgender girl child, trans masculine, trans boy or gender non-conforming child who is born into a poor household (SDG Target 1.2) in Fiji or a Pacific small island state (SDG 13.3, 13B and 13B.1), for example, is even more likely to leave school early (SDG Target 4.1), be turned away from home, run away from home, be transient and street present (SDG Target 11.1), take harmful substances (SDG Target 3.5), stay away from healthcare services due to discrimination, stigma and fear (SDG3.8), be forced into early marriage and/or heterosexual marriage (SDG Target 5.3), be forced into relationships with men by their family, and give birth at an early age (SDG Target 3.7), suffer complications during childbirth (SDG Target 3.1 and 3.7) and experience all forms of violence (SDG Target 5.2) than a heteronormative, heterosexual child. The LBT child who is born into poverty has much less chance of moving out of it without state and non-state empathy, support and care.

Policymakers must aim to break all such vicious cycles for LBT women and also respond to the interdependent experiences of poverty, exclusion, deprivation and more, by providing specific and integrated responses for groups of LBT women and GNC people. In adulthood, a poor LBT woman who leaves an abusive and violent intimate partner relationship, family and kinship network setting, for example, needs immediate cash assistance and access to justice (Target 16.3) including a safe place to live (SDG Target 11.1), medical care (SDG Target 3.8) decent work (SDG Target 8.5) and adequate social protection systems including access to essential health care and basic social protection (SDG Target 1.3) and other social services, so that she can build, protect and maintain an adequate standard of living for herself and dependents. Feminists speak of fighting injustice in all terrains of the body and the environment. Embodied, intersectional and interlinked analysis must inform legislation, policy and practice and guide development practice, in order to achieve justice and human rights.

So in this research the experiences of LBT women and people in Fiji, in rural, remote and urban areas are heard finally, initially, and partially - with much more to come. Through this research project and activism of DIVA for Equality LBT activists around Fiji lies further understanding of the complex lives of LBT women and people trying to access justice for themselves, their households, families, and communities. The struggle continues.



RESEARCH METHODOLOGY

Methodology

This feminist research is designed for use in local activism and movement building. It is feminist in its origins, design, field work, validation, analysis and arising advocacy and policy input. The research is designed to be adapted and used by grassroots feminist LBT and GNC people activists and mainstream civil society as much as by Governments, technical specialists and academics. It is part of feminist knowledge-building and skill-sharing, and could not have happened without the emergence of a constituency of activists centred around DIVA for Equality, an 8 year old feminist collective of lesbians, bisexual, transmen, transmasculine and gender non-binary people based in Suva, Fiji. Out of the collective journey, a set of research, activist and advocacy programming grew, and this report comes from that wider body of work, not from one discrete research project over 4 years. The advocacy projects drawn from this work will be designed for activists in urban poor, rural and maritime areas, as much as for governments and development institutions.

What makes our research feminist? There is no single definition of ‘feminist research’ but certain key elements are defining features, and they include: First, always a double task to build new knowledge and produce social change. This is no academic exercise to sit on a shelf. We want to use the results to help change the world. Second, feminist values and beliefs are built into the process and hopefully experienced by respondents and researchers, even while it is being conducted within patriarchal cultures, institutions and frameworks. Third, feminist research has diversity and is interdisciplinary and transdisciplinary. It uses diverse, responsive methodologies and it is constantly being redefined by those participating in the research. ¹⁷

Judith Cook and Mary Margaret Fonow (1986) also identify five basic ideas underlying feminist methodology. First, women and gender are the focus of analysis; Second, consciousness raising is part of the overall process; Third, there are no outsider subjects looking at insider objects but rather valuing knowledge held by participants as being expert knowledge; Fourth, there is a concern with ethics in both process and outcome so that harm is minimised; and Fifth, there is an explicit intention to change power relations, disrupt patriarchy and transform gender inequality into justice for all.

What is the hope for the outcomes of this feminist research? To improve both the material conditions and structural conditions of women, girls, gender non binary people and their communities in Fiji and the Pacific. The data and analysis will fill some major gaps to move forward gender transformative evidence based policy reform and development in Fiji and the Pacific. The research enables SOGIESC advocates to speak and act from evidence based approaches and be directly engaged in development justice initiatives based on their own work and not relying on others who may not have lived experience and skills in sexual rights activism and advocacy. The research, overall, allows everyone to see the particular and exacerbated stigma, violence and pain of LBT women and GNC people in Fiji, and to show the resilience strategies used by them, and to propose a more just future.



So how did we do this research? We held initial brainstorming meetings for over 6 months with members of the Collective, and close accomplices including Dr. Rebecca Spence of the University of New England, Australia. Then when we had some funds for the initial work, we called for a consultation of interested LBT activists in our networks and the foundations for the research were established from that group, who also elected 3 community representatives from Central division, to work closely here in Suva with the research team, and liaise with the 9 hubs across Fiji, in the course of the project. In this way we established a well-connected, organised and motivated Community Research Network of 23 focal points from East, West, Northern, and Central divisions of Fiji, and a Community Research Hub of 12 LBT and 1 straight ally of academic and activist researchers, including a majority from grassroots communities of LBT women and gender non binary people.

The LBT Community Research network (23 members) worked with over 645 LBT respondents across Fiji (urban, rural and remote including poor, marginalized, young, elder, faith based, corporate, civil service and other sub-categories). Note: This research includes cis women in Fiji who identify as LBT women and gender non-binary people. It did not cover transgender women as another national report is already in progress by Haus of Khameleon on human rights and justice for transgender women in Fiji. We are in full solidarity with all women including transgender women and gender non binary people, and this research is only part of the wider picture of the lives of LGBTQI+GNC people in this region.

The research design, development, planning and implementation programme included;

Management Collective of DIVA for Equality - Initial brainstorming, fundraising, proposal development with 3 co-lead researchers (see below)

3 co-lead researchers confirmed - DIVA for Equality Coordinator, Shirley Tagi (lesbian), DIVA for Equality Political Adviser, Noelene Nabulivou (lesbian) and longtime DIVA for Equality ally, Dr Rebecca Spence (heterosexual) from the University of New England, Australia. Note, the latter was very clear and careful on her external status as friend and supporter to the research process, and all decisions during the research process were taken by Fiji LBT researchers.

Community Research Network established - 23 Researcher focal points from four divisions of Fiji. They took lead in local mobilisation during all phases of the research over four years

Community Research Hub established - 13 Researchers consisting of 9 Management Collective members, 3 community representatives nominated by the community research network, and 1 external academic supporter.

The 12 phases of the research:

Phase 1 Programme development, Community visitation, Mobilizing and focal point identification

Phase 2 Focal point and researchers meeting to discuss the community needs, challenges and structural content for the national research

Phase 3 Training of researchers focused on; Research Product Identification; Methods Identification; Preparing for and conducting interviews; Survey Building; Self Care and Well-being; Data Coding and Collation; and Research Implementation planning

Phase 4 90 survey questions developed and tested by the Community research hub, including lengthy testing and piloting stages; research ethics forms designed by Research team included code of conduct for researchers, a consent form for online survey and for qualitative recordings etc.

Phase 5 Implementation of survey and audio booths with communities

Phase 6 Ongoing data analysis by community research hub, and by lead writers

Phase 7 Validation processes, in 9 locations around Fiji including urban poor, rural and maritime communities.

Phase 8 Finalising the first report, to be launched on 17 May 2019. (Current)

Phase 9 Research launch and initial feedback.

Phase 10 Pilot Advocacy Programme

Phase 11 Follow-up on report recommendations

Phase 12 Further reports, advocacy programmes developed based on data from the research (Ongoing)

In research (phases 6-7), we have spent months travelling around the country and spending time with community to discuss findings. We obtained over 38% validation signatures of the key findings and gained further input and feedback for the initial report, using a participatory process that took place with LBT women and GNC people in Suva and central division, Sigatoka, Nadi, Lautoka, Ba, Rakiraki, Tavua, Vatukoula, Savusavu, Taveuni, Labasa, and Levuka. This research is developed, constructed and owned by lesbian, bisexual women and gender non-conforming people who are directly affected by or have direct lived experience of the challenges, policies, practices, acute forms of discrimination, and systems that perpetuate dominant narratives or identity-based stereotypes. This is our research, and we have validated the key findings. It's usefulness to communities, will determine it's true value, over time.

Validations obtained from LBT women and GNC people across Fiji:

Central division	102 validations
Eastern division	6 validations
Western division	97 validations
Northern division	41 validations
Total National Validation	246 LBT and GNC people



RESEARCH DEMOGRAPHICS

RESEARCH - NUMBERS REACHED

TOTAL NUMBER OF RESEARCH RESPONDENTS **645**

Northern Division **91**
SURVEYED

Western Division **199**
SURVEYED



Eastern Division **10**
SURVEYED

Central Division **342**
SURVEYED

Overseas **3**
SURVEYED

Research Demographics

ETHNICITY



- 81% Fijian of I-Taukei descent
- 4% Fijian of Indian descent
- 6% Fijian of Part European descent
- 1% Fijian of Chinese descent
- 1% Fijian of Rabi descent

17%



Of those surveyed are LBT women and GNCP with **disabilities**

SEXUAL ORIENTATION



Women and GNCP who are attracted to women

80%



Women and GNCP who are attracted to men

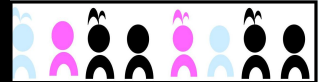
0%



Women and GNCP who are attracted to both men and women, and queer.

20%

1 in 4

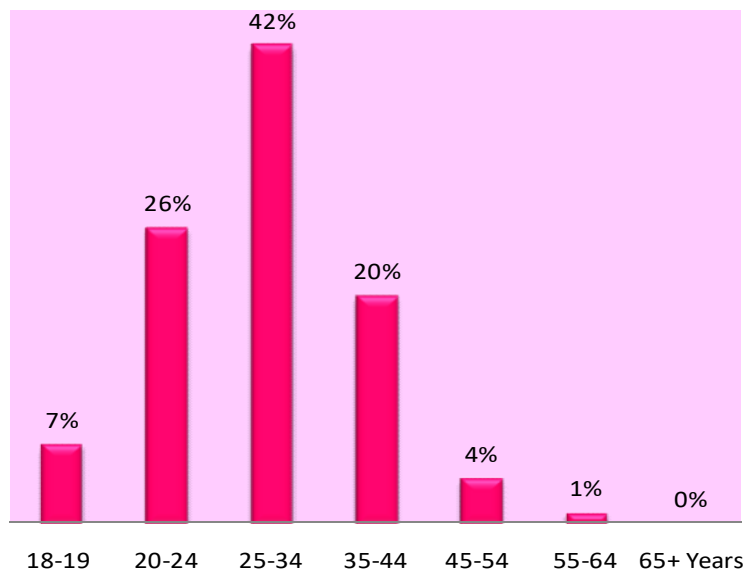


HAVE GIVEN BIRTH TO CHILDREN

104

Of 645 surveyed were ever **married** to a man.

AGE GROUP



15%

Of participants responded as being **Intersex**. Intersex people are born with physical sex characteristics that don't fit medical and social norms for female or male bodies.

GENDER IDENTITY

WOMAN	59%
BRASTO	28%
LIPSTICK GIRL	8%
GENDER NON CONFORMING	2%
MAN	1%
TRANSMAN/MASCULINE	1%
OTHER	1%



Key Findings

Violence and Access to Justice

Quotes

Violence

"...I was happy with my family back then, until the time I started primary school. I then got abused by my uncle sexually and I've never ever shared this with anyone in my life until today. I grew up and my dad came back, and... after 2 or 3 days he started beating my mum. You know I already had that pain there from the abuse and I could see my mum being violently abused..I would run and cry on her side, cry with her. It went on for so long. I just wanted to do something that it would ease the pain out. I started smoking and drinking and that was the time you know, I really abused marijuana".

"As I can remember not a single day as the sun rises on this earth, for me and my brother to be happy, we were always getting verbally and physical abused by our stepdad everyday. Even our mum listens to what our stepdad says, and would back-bite us to our stepdad and give us beating as well, but because we loved our mum so much we never retaliated".

"When the time my brothers heard that I was doing this (having relationships with other women), they were really mad with me. I got slapped and punched and I was just bleeding on that day I got chased from home. I stayed with my partner and we struggled a lot."

"I can't remember how many times I was beaten up at home by my father for dressing and behaving like a boy. Today as I sit here reflecting on this question, it seems countless because today I have forgotten the number of times I was beaten for behaving like a boy."

"I used to be jealous of her, so I gave her a good hiding. The hiding I used to give her was very violent in which I cut her hair with the bottle."

"We used to fight and I'd end up crying most of the time, she used to punch me, she used to slap me...So even through the beatings and all the hardship and all the bruises I've faced, all the wounds...she was the only one I ever loved".

Key Findings — Violence and Access to Justice

83.64% LBT women and GNCP say that they experienced physical violence by their intimate partner

43% of LBT women and GNCP who were physically abused by their partners only shared their experience with their close friends. **12% did not tell anyone.**

Over half of LBT women and GNCP surveyed have been verbally abused because of their SOGIESC.

1 in every 2 Transmen, Brasto, Transmasculine, and gender non binary person said that they have experienced verbal abuse because of their SOGIESC.

82 LBT women and GNCP have been sexually assaulted because of their SOGIESC between 1 and 7 times in their life. The majority expressed feelings of anger and hurt by this violation. **30%** said that they felt confused, stressed, depressed and suicidal.

52 LBT women and GNC respondents have been sexually assaulted by a family member.

35% or 225 LBT women and people have experienced mental and emotional abuse because of their SOGIESC (any act including confinement, isolation, humiliation, intimidation, being controlled, or any other treatment which may diminish the sense of identity, dignity, and self-worth). **147 felt stressed, depressed and suicidal** following the abuse.

Experiences and strategies of LBT Women and Gender Non-Conforming People in Fiji in dealing with Violence, and Accessing Justice

Around the world, people's access to power, autonomy of decision-making, and ability to fulfil their basic needs, and have full, satisfied lives, is very unequal. If you are born with particular favoured skin-colour, ethnicity, socio-economic background, in a country with Imperial or colonial expansionist histories, or if instead from one left in ruins, divided or dependent on foreign assistance because of such earlier policies, your current realities will be divergent. So too your experiences of education, religion, law, economics, self-governance, democratisation, trade, aid and development, and response to ideas of gender equality, SOGIESC and human rights, also very varied.

So this is what we do know - millions of people around the world face human rights violations because of their sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC). These violations include killings, rape, torture, physical, mental and sexual violence, and various forms of stigma and discrimination including lack of access to healthcare, education, housing, training and development, economic justice and decent work, right to marry, right to found a family, right to adopt, right to vote, right to privacy, and much more.

Global research also shows us that on average 1 in 3 women experience physical and sexual violence in their lifetimes - a horrific reality. In Fiji, the national Violence against Women (VAW) prevalence study conducted by the Fiji Women's Crisis Centre shows the depth and scale of the problem of gender based violence. According to the survey, in Fiji 64% or almost 2 in 3 women aged 18-49 years who have ever been in an intimate relationship experienced physical and/or sexual violence by both a husband or intimate partner in their lifetime, almost double the global average. 66% of women in Fiji have been physically abused by partners.

We have been clear since the beginnings of DIVA for Equality in 2011 that these national statistics, though indicatively useful to our work, do not yet carry accurate pictures of the prevalence and types of violence experienced by lesbians, bisexual women, transgender men, transmasculine and gender non conforming people in Fiji.

So from this first LBT led feminist participatory research, we now also know that levels of violence experienced by LBT women and GNC people in Fiji are even higher, from a large survey size of 645 respondents in all four divisions. We know that:

***83% of lesbians, bisexual women, transgender men, transmasculine and gender non-conforming people surveyed have experienced physical and/or sexual violence by their intimate partners. All survivors were in the age range of 25-34 years old.**

***35% of LBT women and GNCP surveyed have experienced mental and emotional abuse because of their sexual orientation, gender identity, gender expression and/or sex characteristics. 65 percent of them have experienced stress, depression and suicidal ideation.**

***52 of the LBT women and GNC people surveyed had been sexually assaulted by a family member.**

***As to frequency, respondents overwhelmingly said that physical and sexual assaults are repeated, brutal, occurring over many hours or days in terms of length of attacks, and for over half of those experiencing physical and sexual assaults, that the abuse is ongoing for months and even years.**

The level of violence experienced by lesbians, bisexual women, transmasculine people, transmen and gender non conforming people in Fiji is endemic and epidemic. There is violence from immediate families and wider kinship networks from early childhood to adulthood, by intimate partners, toward intimate partners, by family, by public and State institutions, and more.

***44% of LBT women and GNCP who experienced sexual assault said they would never tell anyone except close friends or their partner about it, showing a high degree of distrust for wider Fijian society.**

Respondents describe the effects of mental, sexual and physical gender based violence in all spheres of their lives - during the period of the assault, through life cycles and leaving marks on connected lives across generations.

“You know being a violent person I always ask myself why I was violent to my partner, why I always be violent to my friends. I managed to find why I was getting violent was because I didn't have the love from home, from my parents especially. I'm not gonna blame them but I had to work it out myself. Something that is in my head every day.”

“I would like drink from Sunday to Wednesday, from Wednesday to Sunday. Whole week I'll be drinking. I'll be partying...I'll reach home at 6 and go back to work at 10. My routine was like that everyday. It was hurtful, it was painful”.

From global work, the connection between stigma, prejudice, and health has been well-documented and is it clear that this stress is different from the types of stress faced by most people in their everyday life. The Williams Institute at UCLA, USA has found that in response to events of prejudice, LGBTQI people frequently develop a heightened fear and expectation that such events will happen again. This leads to hypervigilance in one's surroundings, relationships, and interactions with others, even when threats may not be present. The person develops additional coping mechanisms to try to minimise stigma, prejudice and violence. Many also form poor self worth, in the form of internalized homophobia or transphobia, and devalue themselves in similar ways to others treatment of them.¹⁸

“ What people thought and said about me, it got to me. It made it impossible to attend family functions and I couldn't go to church. How I saw myself and what people said, got to me. It really hit me...I can't live this life as I'm not showing a good example in living the life they are wanting me to.”

My Story

“One of my dad's relatives, sexually abused me and that was the most, most toughest thing in my life. So when i was sexually abused, people started talking around my community and not only my community but all over my (rural province) and because it was a small community, people knew when i was sexually abused.

I had to go to the police station to give my statement and the Health centre to say what had happened and I had to take it up to the court and all of these things started to get tougher for me and the most toughest thing was that the boys relatives were fighting me, saying that he didn't do it and that it was me who said yes. They were like pushing that problem to me to deal with it and when i needed my dad, he wasn't there, he goes to work and i was alone at home, so these people started to talk bad things about me, they started saying, you know that girl, she's not going to get married cause she's already being used and those kind of words that people say really hurt.

Sometimes i go to the shop to buy things, people started looking at me, laughing and saying, yeah you know that girl, this happened to her because she acts like this, cause she used to do this and do that, so maybe it was meant for her to go through this situation but I just had to overcome all those problems. So when I was sexually abused I started doing my own things. I was staying at home. I didn't feel like going anywhere. I just felt like staying home and not been seen by people and just to stay with my dad, me and my dad, so no one sees me”.

What we know about sexual and gender based violence

Violence and abuse occur in many forms and generally overlap and reinforce experienced pain and trauma. The cost of sustained assault on one's psyche, physical body and environment is huge. Mental and emotional abuse includes name-calling, shouting, breaking objects, slamming doors and standing over someone, and can be forerunners to, or simultaneous with physical and sexual assault which can also take numerous forms from pulling hair and body parts, dragging bodies across floors, hitting bodies with or against objects, throwing people down stairs or out of vehicles, throwing or hitting and gouging, forced sexual acts, and many other forms of assault.

While activists have often described cyclical violence beginning with emotional triggers and outbursts by the offender, further emotional, physical and sexual abuse, and then inevitable apologies and honeymoon periods before the violence cycle began again, now we know that it helps much more to emphasise the **pervasive, systemic patterns of power and control** that underpin all situations of violence, whatever patterns may exist and move over time.

Fluctuations in violence might, for example, include violence that increases after bouts of alcohol or drug-taking; violence that worsens when money in the household runs out; violence increasing when children or other family members are sick and taking the attention of the victim-survivor from the oppressor, etc. Violence can flare up after community gatherings when the oppressor believes some task was not correctly done, imagined disrespect, if a meal is not to an oppressor's taste, not large enough, not hot or cold enough, etc. In reality, even in the quieter moments in a household, the atmosphere and threat of violence is ever-present with ongoing effects on the body and mental health of all those in the vicinity. This kind of household is a war zone, a constant conflict zone. This analysis helps to explain the extreme trauma and paralysis that can result for victim-survivors. This understanding also stops the false blame game of 'why didn't she leave'?

A useful tool to describe family and intimate partner violence comes from The Duluth Model, Power and Control Wheel which was developed by activists and survivors of violence in the USA. The wheel visually describes purposeful and calculated strategies and tactics that abusive intimate partners use at any one time, often more than one at a time, to establish and maintain power and control over their partners. It clarifies the deadly role of sexual and physical violence in achieving those goals, the underlying entitlement to dominate that drives this violence, and makes clear the loss of self that occurs after sustained violence by family and intimate partners.¹⁹

The cost of sustained assault on one's psyche, physical body and environment is huge. The numbers of women and LGBTI people facing sexual and gender based violence in Fiji is massive. So it stands to reason that this response work is also not simple, not is it short-term.

Despite the groundbreaking and constant decades of work of the Fiji Women’s Crisis Centre and others, a strong Bill of Rights in the Fiji Constitution (2013), a Fiji National Women’s Plan of Action (2010-2019) that has EAW as one of the 5 thematic areas of concerns, legislative changes such as the introduction of the Domestic Violence Act and the re-establishment of the Elimination of Violence Against Women (EAW) Task Force, Fiji still faces major gaps and obstacles to achieving gender equality, eliminating discrimination and violence against women, girls, LGBTQI people, and others, and achieving universal human rights.

The new Fiji National Service Delivery Protocol for Responding to Cases of Gender Based Violence (the Protocol) will assist by providing women with access to greater help. Effective access to health services, specialist advocacy and counselling, police protection and the justice system will be strengthened.

Prevention and response to gender-based violence needs to be a top-line priority for Fiji Government, Fiji police Force, NGO partners, all frontline providers and donor agencies. A review of the Protocol is the next step, to substantively include input from LBT led civil society groups like DIVA for Equality to ensure that the national EAW Protocol serves all women in Fiji, invisibilises no women, devises effective strategies for all Fiji women, and does no harm.

Work to end violence against women, and all sexual and gender based violence, requires both urgent action and deep and systemic approaches to root out the ideology and behaviour that results in the many diverse manifestations of sexual and gender based violence, and in particular the violence against women including LBT women, and also those people with non-conforming gender identity and expression, and intersex people. We recommend the following, as minimum:

Key Recommendations

- The State is to ensure an environment in Fiji that is supportive of all and not only some women’s human rights and with a clear unequivocal commitment to gender justice and equality;
- The Government of Fiji at the highest level must send a clear message that it does not tolerate nor condone intolerance, prejudice, discrimination and violence against LGBTQI people;
- An additional paragraph added to the upcoming new Fiji National Gender Policy and Fiji National Women’s Plan of Action to reflect the following, “Ensure the advancement of the Fiji Gender Based Violence Service Protocol to improve provision and delivery of responsive services to LBT women and people with non-conforming gender identity, gender expression and sex characteristics who are victims of gender based violence, homophobia and transphobic violence, and who are likely to suffer harm due to physical, sexual, emotional or psychological abuse, and/or neglect.”

- Feminist, women’s human rights defenders and LGBTQI defenders in Fiji must visibilise violence and discrimination against LGBTQI/LBT people as an issue of women’s human rights and justice, and ensure that they are directly engaged in all major women’s human rights, EAW and SGBV national programmes and initiatives - Nothing about us without us;
- The State is to exercise due diligence in preventing violence and promoting the safety and dignity of all marginalised and vulnerable populations, including LBT women and gender non conforming people, and all LGBTQI people in Fiji;
- LBT people are constitutionally assured of non-discrimination under the Fiji Constitution 2013, Section 26. However, the State is to ensure that specific legislation prohibiting particular kinds of gender-motivated violence, including intimate partner violence, domestic violence, rape and such, extends protections and redress to LBT and LGBTQI people;
- The State in partnership with LGBTQI led civil society and human rights lawyers is to implement a comprehensive national legislative review and proceed with maximum available resources to reform legislative, administrative and other measures that are harmful to the human rights of LGBTQI people, and that positively ensure the human rights of each person in the country, regardless of sexual orientation, gender identity and expression, and sex characteristics without arbitrary interference;
- The State is to amend or adapt laws to penalise violence against LBT women and LGBTQI people in the public sphere, and in the private sphere;
- The State is to repeal any laws that criminalise consensual sexual activity among persons of the same sex who are over the age of consent, and ensure that an equal age of consent applies to both same-sex and different-sex sexual activity;
- The State is to repeal any laws that prohibit or criminalise the expression of gender identity, including through dress, speech or mannerisms, or that denies individuals the opportunity to change their bodies as a means of expressing their gender identity;
- The State must amend or adapt laws protecting children and young people from family violence and ensure that children with non-conforming gender identity, gender expression and sexual orientation are protected from family violence;
- The State must amend or adapt laws prohibiting rape, domestic violence and intimate partner violence to extend protections to LGBTQI people, including LBT women and people with non-conforming gender identity, gender expression and sexual orientation;
- The State must amend or adopt laws on sexual harassment in the workplace to expand definitions that include sexual orientation, gender identity, gender expression and sex characteristics as grounds for sexual harassment;

- The State is to ensure the right of all persons ordinarily to choose when, to whom and how to disclosed information pertaining to their sexual orientation and gender identity and sex characteristics, and protect all persons from arbitrary or unwanted disclosure, or threat of disclosure of such information by others;
- The next series of national prevalence studies on violence against women in the Pacific, should include national sub-studies through partnerships with Pacific LBT led civil society groups, to ensure specific coverage of LBT women and specific data collection and analysis in ways that are accurate, effective and do no harm;
- LBT civil society individual activists and local groups must inform themselves about the international treaties and regional agreements that the Fiji government has signed, and learnt to use UN processes to advocate on SOGIESC and LBT human rights;
- Law and policy reform must be accompanied by State funding for awareness training (eg. mainstream counsellor training to assist LBT victims of physical assaults, sexual assaults and rape; teacher training to address homophobic and transphobic bullying in educational institutions, Police and Prisons staff training, judicial training, et al);
- The Ministry for Education must address violence and discrimination in schools, tertiary and vocational institutions, including issuing directives to end bullying, discriminatory punishments, suspension, expulsion, public exposure, forced counselling and illegal coercive and damaging 'reparative' and 'conversion' therapies;
- The Fiji Human Rights and Anti-Discrimination Commission (FHRADC) is to ensure that complaint mechanism and reporting mechanisms are accessible, safe and do not subject LGBTI people to family, community and State recriminations (including criminalisation);
- The Fiji Human Rights and Anti-Discrimination Commission (FHRADC) is to ensure that, with other State and non-state actors, they are engaged in preventative and reparative actions to redress violence against LGBTQI people;
- UN agencies are to receive reports of violence and discrimination against LGBTQI people, including from LBT women and people with non-conforming gender identity and gender expression, and provide advice on human rights remedies;
- The State and all parties to the Protocol are to ensure that national reviews of the Fiji National Protocol to Eliminate violence against women and children mainstreams human rights, ensures gender and SOGIESC responsive policing and coordinated referral networks that include LGBTQI first responders and civil society groups.
- Respective Government Ministries including the Ministry for Women, Children and Poverty Alleviation must direct State funded victim assistance programmes and other social floor and social protection programmes to expand their services to LGBTQI and LBT women and people with non conforming gender identity and expression, to receive resources and training to effect this change through progressive realisation and with maximum available resources.



Key Findings

Families and Access to Justice

Quotes

Family

"I'm finding it hard staying at home with my lifestyle because dad is a Talatala (Preacher) and he wants things in my life and that's quite hard for me because I don't know how to explain to him that I'm a lesbian and that I believe I can never get married. I guess my parents know but can never accept it. That's the whole reason why they think I don't fit being a mum."

".....I'm very happy to express my feelings to my partner and I'm happy because part of my nuclear family, my mother and sister are there for me. They have told me this is my choice, it's my decision and they are there to support me ..."

"...my life started from a family that always went through violence when I was a kid. It hurt me when my mum faced violence, I don't know where to take all the pain and hurt when my mom faced violence. One place that I took this pain and hurt was the streets following street kids. I was born when my mum was raped by my dad and five other men. My Dad felt guilty about it and that always hurt me. After 14 years my mom told me the story about what happened to her and how I was brought into this earth. It always hurts me."

"I feel guilty that my parents, my family don't know about me. I want them to know so that I can be relieved and at least they know. I want them to accept me, I regret never telling my mum when she passed away, I just couldn't. I didn't have the confidence and the courage to tell her that I was a Lesbian and that I was proud to be one. I will always be proud to be one."

" Sometimes I miss my parents love, I miss their advice, I miss their support but I just have to move on because I choose to be happy".

"Just 2 weeks ago, I was in prison. I was there for 14 days and none of my family came to see me or visit me, it was only my girlfriend... I went to court and none came to see me there, at least to bring some food or come and say hi to me".

"I tried to satisfy my family because I came from a strict religious family. I was just trying to make mum happy, trying to let them know that I was with them, but I was feeling gay all along. I happen to meet my husband, then we got married but to be honest from the first time I met him, I had to be drunk then we had sex....love wasn't there for him. I had to do it for the sake of being a normal husband and wife to satisfy my family".

"Actually there's some of the challenges that I faced as a lesbian, the first one being my parents not liking it because they go to church."

Key Findings—Families and Access to Justice

41.73% LBT women and GNCP say they are not accepted by their nuclear family because of their SOGIESC

49.3% or half of LBT women and GNCP surveyed say that their nuclear family tolerates them

50% (1 in every 2) say they are not accepted by their extended family

7.4% left home because of their SOGIESC

23.46% were kicked out of home because of their SOGIESC

19% were disowned by their family because of their SOGIESC

61% or 2 out of 3 between 18-19 years old left home, got kicked out or was disowned by the family

81.47% or 4 out of 5 LBT women and GNCP of Fijian of Itaukei descent surveyed left home, got kicked out or was disowned by their family.

88.8% or 4 out of 5 24 of the 27 LBT women and GNC respondents of Fijian of Indian descent left home got kicked out or were disowned by their family.

52% or half of those LBT women and GNCP surveyed identified and rated their sister, and mother as the people who know they have told about their SOGIESC

Experiences and strategies of LBT Women and Gender Non-Conforming People in Fiji in dealing with families, and Access to Justice

Much of the stories and art in the world centre around families and kinship ties, and belonging to the people and places around us. The experiences that we have in our childhood families, good and bad, set us up for other experiences in life. So while some households are places of nurture and love, where we experience growth of individuality in the presence of familiars, families can also be places of extreme rejection, pain and violence.

***Forty one percent of LBT and GNCP research respondents said they are not accepted by their nuclear families. *Fifty percent also say that they are not accepted by extended families or kinship groups.**

As well as the wellbeing and socialisation expectations of family life, there are major socio-economic, safety and security aspects related to one's experience of family, especially in childhood and younger years. State and traditional indigenous social systems of education, health, food, medical care and social services, safety and security are predicated on the existence of family households. In the event of unemployment, sickness, disability, widowhood, old age or other lack and/or loss of economic livelihood, one's family is viewed by society and the Government as a primary form of social security, social platform and care economy.

But what if that family stigmatises you, rejects you, or violates your human rights due to your sexual orientation, gender identity or gender expression, or your sex characteristics? Where is your safety net? How do you create alternatives, and who is there to help you?

LBT and multiple forms of family

In Fiji as elsewhere, there are diverse family structures and households made up of nuclear families, single parent families, extended families, created families and households of friends and peers, grandparent headed families, and more.

***Forty-one percent of LBT and GNC respondents revealed they are not accepted by their immediate/nuclear families while forty-nine percent said their nuclear families tolerate them. *Fifty percent of those in the survey revealed they are not accepted by their extended families.** This is the reality of LBT women and people in a hetero-patriarchal family structure that prevails in Fiji.

While the narrative of families is one of love, protection and nurture, this is not generally the experience for LGBTQI people in Fiji. It is evident from the research, as ***four out of five LBT and GNC iTaukei and Fijians of Indian descent in the survey who left home had been forced to leave, or were disowned by their families. 19% have been fully disowned by their family because of their SOGIESC,**

so having no further contact. Almost all of the 70+ oral testimonies from the research paint further pictures of rejection and isolation, abuse and social stigma in birth or adoptive family settings. The numbers are fairly even for all ethnicities, with ***24 of 27 or 88% of LBT and GNC Fijians of Indian descent responding that they had been forced from their family home due to their SOGIESC, and 81% of iTaukei forced to leave their home, from a larger respondent size.**

LBT women and GNC people who do not finding love and acceptance in their family homes experience major negative impacts, and the search for acceptance and safety brings further trauma. The physical and mental health of individuals who face emotional, mental and physical trauma affect one's ability to access other rights and freedoms.

The most concerning feature of this report, is the number of young LBT women and GNCP living outside their family homes. ***2 out of 3 LBT and GNC people** between 18-19 years old left home, got kicked out or was disowned by the family. The practical daily realities of accessing safety and security, access to social services, a roof over one's head, and the effects of homelessness and transience on health, food security, water and sanitation, SRHR, education, employment and more, are very real and present for all young LBT and GNC people who leave home, are forced out, or disowned.

As to the ability to negotiate acceptance and support in families, fifty two percent of respondents said that their mothers and sisters know of their non-heteronormative SOGIESC. While this is a positive note, it begs the question of whether 'knowing' translates to support, or being able or willing to defend them to others in a family setting. The high levels of LBT women and GNC people who living outside the home suggests that this is not the case.

International Human Rights

Article 25 of the Universal Declaration of Human Rights (UDHR) affirms the right to a standard of living adequate for the health and well-being of the family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood beyond one's control. It provides special attention to motherhood and childhood and for all children regardless of parental marital status, to enjoy the same social protection.²⁰ Article 17 of the International Convention on Civil and Political Rights (ICCPR) further asserts right to protection of the law against interference and attacks on privacy, family home, and unlawful attacks on honour and reputation.²¹

The **Yogyakarta Principles** stress that all LGBTQI people are entitled to universal enjoyment and promotion of human rights, equality and non-discrimination; the right to life, liberty and security; the right to recognition before the law; the right to freedom from torture and cruel, inhuman or degrading treatment, from all forms of exploitation, sale and trafficking of human beings, and from medical abuses and arbitrary deprivation of liberty; the right to privacy and to found a family; the right to an adequate standard of living, social security and social

Quotes

Family

"... It hurt me when my mum faced violence, I don't know where to take all the pain and hurt when my mom faced violence. One place that I took this pain and hurt was the streets following street kids. I was brought out (conceived) after my mom was raped by my dad and five other men. My Dad felt guilty about it and that always hurt me. After 14 years my mom told me the story about what happened."

"Dredre na bula niu vatu va qo, Tabu nio viavia tagane, Sega nai lavo. Au dro mai vale, o ratou na ganequ dau mokuti au. Au cemuri. Dredre na bula au sotava vabibi ni lako jiko mai noqu matavuvale."

English: *"Life is hard when I am like this, it is a taboo to be a tomboy, there was no money. I ran away from home, my brothers beat me. I am chased from home. The life I am leaving or facing is hard especially when it is coming from my family."*

"Life is not really easy especially with religion. My parents usually take part in religious work and they think i need to fall into their footsteps. I am pretending to do it. I was struggling with Gender expression. My mum is sort of this lady that goes to every function and she always want to take me with her. Relatives eyeballing me that I'm like this. I am unemployed and hoping to get an employment soon. Trying to cut down on my weight. I hope that we can have more workshops like this to help us."

" I live with my relatives and i know that they gossip about me, My real father got married again, I've been pushed away, most of the time I face violence both physical and verbal, When I'm at school have a lot of friends, well I did smoking and drinking, I ask myself why am i like this? It's hard changing for me to be a real girl. Niu dau lai lotu ga dau qai vaisulu va yalewa, levu na gauna dau lotu i vale dau tukuni vei au meu dau veisau. (English: "It is only when I go to Church that I dress like a girl. Lots of times when we have church at home, they tell me I have to change.") This is my last year at the tertiary level so my dream is to support my family. All the wrongs doing can't help you in the end. When I attend workshops I learnt that this is the time to change myself."

"My family don't know about me. I want them to know so that I can be relieved and at least they know. I want them to accept me. I regret never telling my mum before she passed away. I just couldn't. I didn't have the confidence and the courage to tell her that I was a lesbian and that I was proud to be one. I will always be proud to be one..."

protection, housing, health, work and education; the right to freedom of thought, conscience, religion, expression, opinion, movement, assembly and association; the right to take part in public life and in cultural life; the right to seek asylum; and the right to remedy and redress for human rights violations.²²

LBT and family at the Domestic level

Domestically in Fiji, there is no direct legislative drawdown from Article 17 of ICCPR and Article 25 of the UDHR. Section 26 of the Constitution of Fiji 2013 provides for protection against unfair discrimination and the right to equality. However, the Family Law Act (2003) does not include references to same sex partnerships and the definition of a de facto relationship in the Family Law (Amendment) Act (2012) is between a “man” and a “woman”.²³

In the Fiji National Gender Policy, there are express references to a commitment to “promote gender equality in all aspects of Fiji’s development, and to eradicate or modify institutional and social barriers to such equality.” It is clearly stated that the “policy is consistent with the 2013 Constitution of Fiji, and with ratified international conventions and instruments.” This therefore includes Section 26 of the Bill of Rights of the Fiji Constitution (2013), where it is stipulated that it is illegal to discriminate on the basis of “...sexual orientation and gender identity and expression...” among other factors.

The Fiji Gender Policy includes references to eliminating “all forms of gender inequality and gender discrimination in Fiji” and recognises “that ethnicity, disability, religion and gender often intersect and create a multiplicity of sources of discrimination against women in Fiji.” The policy includes references to ending violence against women, transforming material conditions for women, on domestic and family life, resources for effective enforcement of family law, and so forth. None of these policies mention LBT women and people.²⁴ However, there is a specific reference in the Policy to ‘marginalised groups’, as being women that are “...negatively perceived as socially and or physically outside the larger community structure, and are prevented from, or are unable to, participate in, or interact with, the mainstream community groups.”²⁵ Further, there are specific policy initiatives related to marginalised groups of women in sections 5.3.2 and 5.3.3 on Social Justice and Access to Resources, and in 5.1.3 on Responsive gender budgeting and planning. It is hoped that this report will provide insight into further initiatives that can be taken forward with Fiji Ministry for Women, Children and Poverty Alleviation on these areas, and in particular to provide support and access to justice for LBT women and GNC people.

Due to the high levels of transience and homelessness of LGBTQI adolescents and young people as revealed in this report and our community work since 2011, it is important that the Fiji National Gender Plan include LGBTI young people, and especially LBT young women and GNC young people in its work to promote “...gender equity and child protection strategies amongst adolescent girls and boys”, and to “(e)nsure young people including adolescents have access to youth friendly services to assist them to make responsible choices to protect and safeguard

My Story

"I know that we all special and sometimes I feel I'm kind and strong and right now I'm single but sometimes I don't know what to do with my life because I got so many things happening in my life and I used to live at home and now I'm not living at home anymore because my dad does not regard me as his own daughter and he really hates me because I'm a lesbian... I'm an adopted kid who was adopted by my grandparents, who loved me so much, who gave me all the love in the world. While growing up my mum came and took me away from them and last year I lost my grandmother who knew I was a lesbian. She respected me for that and she told me to do what I wanted and she didn't go against me being a lesbian. When she died last year my whole world fell apart because the only woman in the world who understood me much more better than anyone else had left me and I knew that when I lost her, no one else would be there for me and no one was gonna love me again the way she loved me.

So I left and lived with my parents, but my dad knew I was a lesbian and he didn't like me staying there, so he started making excuses to my mum why I shouldn't be living at home and so he chased me out of the house. My mum she forced me to stay and I told her, you are different and I'm different, you can live with him and accept everything he does to us as a family but I'm different and I can't live with it, I can't stand the way he treats me, the way he treats me around my brother and sisters, he doesn't even look at me as his daughter, he doesn't even count me in his life and he doesn't even give a damn about me. He goes around telling people about me, he even told my old friends about me and my old friends always come tell me again what he told them and it hurts me and sometimes I felt like I was big enough to do something to him, go up to him and do something bad to him, but I don't have it in me to do that. I don't have the courage to do something like that to him or to anyone. But right now ever since he chased me out of the house all I can do is think about my mum (grandmother) who adopted me and the love she gave to me and it hurts me everyday just to think about it that she has left me and there is no one else in this world who can love me or protect me. So I go around to my friends and I hang out with them and I live with them and I try to share my problems with them, but they can never help me. I know the problem I have they can't help me with it because when I share it with them, they don't say anything but all they say is, get over it, try and do something better. Try and do something for a change, do something new but every time they say that I can't do anything.

I keep thinking about my mum who died and I miss her a lot because I know if she's alive all of this wouldn't be happening to me. I know that no one would treat me the way they treating me right now if she was still alive because I know I will still have her protection and love for me, sometimes I wish she was alive because she's the only person who understood me so well, no one in this world could understand me the way she does...I can't stop thinking about her so I guess that's why it resulted in me being single today because I can't live with anyone in my life anymore because of what I'm going through which I don't understand. It's complicated when someone you trust, you put your trust in him (dad) and he just turn away like that because you're a lesbian and he chased you out of the house leaving you to go out into a world, unemployed and you have to stay around with your friends. Then you start doing other things who haven't done before. That pain of losing someone that you love and who understands you so much is so hurtful and I just wish I haven't gone through this at all".

*their health, with particular reference to unplanned and early pregnancies, STI and HIV and sexual abuse.”*²⁶

Political leadership and personal modelling from all areas is required to ensure an atmosphere of respect, empathy and non-violence toward all LGBTI people in Fiji. It is very important that all political, traditional, faith, sporting, youth, women, civil society and other leaders are strong and consistent on their adherence to, and support for, universal recognition, implementation and protection of human rights, as defined in international human rights law, and the Fiji Constitution.

Democratisation and development, as raised earlier in the report, needs to bubble up from society and so does respect for human rights. It is equally important for political leaders to embody rights-framed leadership from above. This is why LBT led groups and other civil society were quick to respond to public statements in 2016 by the Prime Minister of Fiji, in which he asserted that “if a woman wanted to marry another woman they would have to move to Iceland”.²⁷ That statement was hurtful to LBT women in Fiji, who have a right to assert claims for full human rights, regardless of current status of marriage law in Fiji. Activists are well aware of the current status of marriage as being between a man and woman under the Fiji Constitution and Family Law Act (2003), and there is longtime and dedicated work required for that to change.

It must be noted that it is the human right of all citizens of Fiji to express opinions, to work for societal change and to found families. It is unhelpful for political leaders to make jokes about matters where LGBTI people are experiencing major violence, stigma and isolation, anymore than they should joke about other work for progressive realisation of human rights and justice in Fiji. This report hopefully assist to clarify and provide evidence-based information and resources for public and political leadership, so that they can better encourage others toward a better understanding that one’s public voice encourages others to act similarly in homes and communities. Fiji LBT and GNC people led CSOs look forward to the opportunity to discuss this issue directly with all our leaders and communities, in respectful ways.



My Story

"I was sad first. I was sad, I cried, I cried, I prayed, I cried and at one point I hated God for punishing me because I'm gay. So I set my mind straight to do things the way it should be...I'm hoping I'll never go through this again. That was one of the most difficult things that I went through in life, the struggle that I went through was living a life on the streets without any money, no clothes just the clothes I was wearing.

I use to look for shelter every night, and imagine when it's raining, its really cold and you wish you were in a room where you can feel comfortable and just sleep properly, but you can't. So when it rains, I walk to Albert Park stadium and usually sleep inside the toilet because it's warm in there every night".

Key Recommendations

- The State must raise awareness in families on how to respect the human rights of LGBTI including LBT women and GNC people and on how to be supportive of them throughout their life cycles and in all their diversity;
- The State must raise awareness about the origins and impacts of homophobic and transphobic and gender based violence in both private and public spheres, and State and non-state services available to address these violations including the Fiji Police, Fiji Courts, Fiji Human Rights and Anti-Discrimination Commission, NGOs and others.
- Include SOGIESC information in the curriculum for Primary and Secondary education.
- The current laws need to be reviewed to be aligned to section 26 of the Constitution and to the Yogyakarta Principles.
- The State and its institutions are the primary duty bearers for upholding the rights of LBT and GNC people persons as enshrined under international human rights law. Therefore the government and its ministers need to play a pivotal role in respecting, protecting and fulfilling the rights of LBT and GNC people and ensuring their inclusion in policies and programs.²⁸
- LBT organisations and people need to create or make more spaces to talk about inclusion with families, faith based organisations, strangers, friends, politicians and CSOs.
- LBT organisations and people to reach out to religious bodies that support the humane and dignified treatment of LBT people especially in the home environment.
- LBT activists to approach and engage in dialogue with religious leaders and bodies that have really strong views against LBT and GNC people.
- The government must uphold its legal and human rights obligations as set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and the Bill of Rights of the Constitution of the Republic of Fiji (2013).²⁹



Key Findings

Health, wellbeing and Access to Justice

Quotes Health

“...the people said you should marry a man and not a woman, so all these things come into my mind and I felt that I have a stone in me like it’s within me. I didn’t wanna go out in public and most of the time I just stayed in Suva and not go home to the village, but then I have to because of my family commitments”

“I didn’t want to continue my studies...told my parents to give me a break for 1 year. I started getting mood swings...I stayed home for a year and got really addicted to sniffing ice, went on to (drug). ...My parents were committed to their work more than me.”

“As activists let’s not get carried away with our work. Let’s also place priorities on our health. I know that this is an issue...Most of our transmasculine people are not even accessing pap smear and breast cancer test. I...really hope that we should also start shifting our priorities around health because you can have all the passion, all the information, and if this body is done it’s done... And also if we see the mainstream services is not really working out for us let us try other ways, guerilla style.”

“I was diagnosed with depression in 2008 and I was on tablets and I was on counselling and it was worse and double worse for ni sa panikeke tu mada qai mad, mad panikeke what the f@# . I laugh about it now because I had thought the world was watching me, the whole world was watching me the whole time, like I was sure people were watching me when I walked into St Giles hospital. Where else are you going to go, but now I have no shame.”³⁰*

“When dealing with my health, some of my friends know that I’m a bit sick like having a slightly damaged valve. I got heart problems..sometimes I never go home for help but deal with my health. I always tell my partner not to hurt me more because I got this problem, then we always talk about it and she always helps me go to the health centre for check up”.

Key Findings – Health, wellbeing and Access to Justice

On general health services, **84%** of LBT women and GNC people stated that health staff are supportive when treating them.

5% of LBT women and GNC people do not access health services at all because of their SOGIESC.

17 of LBT women and GNC people said that they did not have access to their partner in hospital. Families of their partners either disallowed visits or hospitals did not recognise partners as immediate family members.

71% of LBT women and GNC respondents prefer seeing a female doctor for safety reasons.

6 out of 10 LBT women and GNCP would like a LBT specific health service.

77% of LBT women and GNC respondents stressed the need to have LBT and GNC counsellors and mental health professionals.

13 out of 645 LBT women and GNC people respondents have accessed formal mental health services.

90 LBT women and GNC people who were sexually assaulted accessed a public health service after the violation. Eighty percent of these ninety LBT women and GNC survivors of sexual assault said that staff were judgmental, even though they were treated properly and referred to other services.

Only **2%** of LBT and GNC respondents reported ever having a mammogram screening. Only **10%** shared having pap smear tests.

Around **6%** of LBT and GNC people surveyed have had an abortion.

Experiences and strategies of LBT Women and Gender Non-Conforming People in Fiji on health, wellbeing and Access to Justice

The survey and first-hand accounts of LBT women and GNC people who were part of this research indicate severe gaps and barriers to access to health services due to harmful practices; lack of targeted services; lack of confidentiality; discrimination faced while accessing health care; limitations in accessing quality, affordable and mental health; and sexual and reproductive health services.

The Right to Health according to International Law

The World Health Organization (WHO) in its Constitution of 1946 recognizes the right to health as the enjoyment of the highest attainable standard of health being one of the fundamental rights of every human being. The preamble defines health as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. The Universal Declaration of Human Rights article 25 mentions health as part of the right to an adequate standard of living. It was recognized as a human right in 1966 in the International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 12.³¹

In 2018, as expected, the WHO deleted all **trans-related categories from the ICD Chapter on Mental and Behavioral Disorders**. At the same time, **new trans-related categories have been introduced: Gender Incongruence of Adolescence and Adulthood and Gender Incongruence of Childhood**. These categories have been included in a **new ICD location, Chapter 17 on Conditions Related to Sexual Health**. Therefore, the WHO recognises that **being a trans or gender diverse person does not mean to suffer a mental disorder**. So a shameful history of medical pathologization, institutionalization, “conversion” and sterilization begins to come to a close, despite strong pushback from fundamentalist groups in every region. The work to de-pathologise³² LGBTI and gender diverse lives is far from complete and our recommendations below, capture some continued work.

According to the United Nations Office of the High Commissioner on Human Rights (OHCHR) there are six aspects of the Right to Health which are Accessibility, Accountability, Availability, Participation, Good quality and Acceptability.³³ All human rights are interlinked, just as the seventeen Sustainable Development Goals (SDGs). SDG3 is on good health and wellbeing for people, ensuring healthy lives and promoting well-being for all at all ages.³⁴

The Yogyakarta Principles on Health include reference to State obligations that require positive action to **design all facilities, goods and services to meet the needs of all, including people with diverse SOGIESC**; Additionally emphasising **sexual and reproductive health and rights (SRHR)** as crucial to gender equality outcomes, as well as to human and social development. The Principles also deal with the provision of health in specific circumstances, and for women in all their diversity and throughout their life cycles. This includes, for example **LGBTI in**

detention including access to reproductive health services, HIV/AIDS information and therapy, hormonal therapy, counselling, and gender reassignment treatments. Sometimes transgender women, transgender men and gender non-conforming people may receive **inadequate medical treatment in hospitals and clinics** due to their SOGIESC.

The preamble of the Yogyakarta Principles notes the international recognition of everyone's right to **"decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence.** This includes the freedom to choose whether or not undergo modification of bodily appearance or function by medical, surgical or other means."³⁵ However, this choice is too often denied to transgender and intersex people. Sexual orientation and gender identity should never be considered medical conditions to be treated, cured or suppressed (Principles 18). Nor can they be the basis for any physical or psychological testing, confinement or other harmful practices, nor include judgements based on cultural or stereotypical gender norms. There are NO circumstances under which medical treatments can be forced upon a person or required by law. **The freedom of choice and of full informed consent are at the core of the human rights to health. States must respect a person's freedom to control their own health and body.**

The Principles also address discrimination within the medical establishment, and to address this, States are obligated to carry out **training and development within the health sector on best practices when treating LGBTI people.** Medical staff must treat patients and their partners, children and created families with respect, including recognising partners as next of kin where desired (Principle 17). **States must also guarantee access to health services and insurance without discrimination** (Principle 13). It is urged that **medical professional associations review their practices and guidelines** to promote the implementation of the Principles.

The Right to Health in Fiji

Section 38 of the Bill of Rights in the 2013 Fiji Constitution stipulates that every person has the right to health and to the conditions and facilities necessary to good health and to health care services, including reproductive health care, further stating that a person must not be denied emergency medical treatment.³⁶

International legislation regarding the right to health that are drawn down into domestic legislation are necessary and useful, but on the ground there are many challenges to implementation of these human rights. In February 2019, the Fiji Health Minister revealed there are 804 doctors in Fiji. He noted that this was an increase from 431 doctors in 2014. He also highlighted that Fiji had crossed the important global threshold of 1: 1000 doctor patient ratio.³⁷ While it is a positive step that Fiji has met such a threshold, there are only 804 doctors serving over 800,000 people, many in rural, urban, informal settlements and maritime

communities. There are still major issues of variant numbers of doctors in public and private medical sectors, including uneven distribution of general practitioners and specialists. There are also longtime areas of high need including first responder and diagnostic gynaecology and oncology specialists, and overall numbers of surgeons where it seems from our experience of accompanying women and girls of all SOGIESC, backgrounds and ages since 2011, that numbers of medical staff, equipment and supplies seem to be nowhere near reaching demand. Perhaps it can be said that the health system has moved from 'not available' to 'available but not engaged' status and now oftentimes 'available and even ready in some areas, but overall still systemically uneven, and inefficient.'

It would also be useful to know how many Fiji doctors have gone through SOGIESC, gender equality and human rights training and specific sensitization trainings on LBT health needs? It is our perception that there has been some recent movement on building capacities on NCDs, on climate change and health, but still too little on SRHR, on gender and medicine, and on human rights and LGBTI health. Where it is possible, DIVA for Equality has used openings in one area, for example in climate change and health, to also sensitize Fiji and Pacific medical students in other areas. We continue to look for further openings, especially in areas of rural women and high quality health services, and gynaecological cancer prevention and treatment.

LBT women and health

LBT women and people have the right to comprehensive health care. Public health policy in Fiji should address local national health priorities and should align to achieve global goals and address health care as a social and human right issue. Healthcare systems must never merely facilitate achievement of priorities determined by market forces, nor serve a select few stakeholders and consumers.

This means that everyone has the right to the highest attainable standard of physical and mental health, without discrimination on the basis of sexual orientation, gender identity and expression, and sex characteristics. For LBT women, there is a need for specific, resourced health interventions as for wider LGBTI people, due to the levels of general societal stigma and marginalisation, and where they have been subject to specific torture, and/or cruel, degrading and inhumane treatment and punishment.

It is evident from this study that most LBT women and gender non-conforming people experience high levels of trauma from childhood, through adolescence and adulthood, as for LGBTI people, overall. There is potential trauma and hypersensitivity from being physically, sexually and/or emotionally abused while growing up or from abusive and toxic intimate partner relationships and experiencing highly transient, poor living environments. High numbers of LBT women and people experience stress due to prejudice, stigmatization, isolation, loneliness, lack of support from families and friends and lack of access to secular, evidence-based, free mental health care providers.³⁸

Those that access healthcare may face discrimination. LBT women have specific health care needs which medical professionals may not have been trained to handle, leading to incorrect advice and treatment. Doctors and medical practitioners must never assume that a person entering their clinic is heterosexual as this can lead to incorrect advice, and the patient may not self-disclose non-heteronormative SOGIESC if they are afraid of further judgement or discrimination. An example is that of LBT women seeking healthcare, professional mental health guidance or counselling for depression or anxiety brought on by lesbophobia, biphobia, transphobia in their lives. Wrong advice from a medical professional or counsellor is unfortunately sometimes to 'change their sexual orientation or gender expression so you can end this problem in your life'.³⁹ Re-traumatisation and further mental health problems often results from incorrect, non-evidence based diagnosis and/or treatment. For many LBT women and people in Fiji, it means they will never return to that clinic or hospital, and avoid all healthcare systems on the basis of that bad experience.

Generally, the study shows a mixed experience for LBT and GNC people with the Fiji healthcare system, with some very dangerous access gaps and obstacles. At a basic level of general community clinic visits, ***84% of the LBT women and GNC people in the survey said that health staff are generally supportive in their treatment of them as outpatients.** ***Sadly, seventeen of those surveyed said that they has been denied access to their partners in hospital.** Most of those were disallowed by the patient's biological family, or by hospitals not classifying them as 'immediate family'. ***Seventy one percent of the LBT women and GNC people in the survey prefer to see a woman doctor.** The major reason given was 'safety'.

***Sadly, 5% of survey respondents said they do not access any health services at all, because of their SOGIESC.** These are some of the reasons given as to why LBT women and GNC people do not use the Fiji public health systems right now if it can be avoided: *"I don't like the service I get as lesbians"; "I don't feel appreciated"; "I'm kinda shy to show myself being a lesbian"; "I don't have the guts to go there"; "Because of the discrimination"; "I only go when I am very sick"; "I am scared to go"; "I have that fear"; "It's about stigma" " I don't see people there I am comfortable to be even sharing health issues"; "Low self-esteem"; "Nothing matters"; "Just had pain and discrimination from the health providers"; "Cos I am beaten up by parents and can't go there for shame".*

***Sixty percent of the LBT women and GNC respondents want an LBT-specific run health service they can access when they need it.** Some of the reasons given for LBT specific health services are: *"I need to be safe" (Multiple); "I need to have check-ups and I have the right to be safe when I get one"; "So I don't have to feel the stigma in the hospitals"; "So the health people won't disclose any information on me to others"; "So we feel safe and free"; "So we are prioritised and not at the back of the line"; "For easier access and understanding"; "If I know it is by us, I will be open on everything"; "I need it to be a comfort zone"; "If I have any problems with partners or real mental health issues I can be easily communicating"; "We have stigma, absurd, discrimination everywhere after all, so why in health centre too?"; "Cause many of us are doing this secretly"; "Just for the privacy of my friends who are not out"; "We would have our own comfortable space"; "We need encouragement"; "I would be bold enough to*

visit now and then if we had this”; “They would understand the background to my issues”; “We know each other’s language and ways of speaking”; “Brasto need to know if sick or not”; “Not anything for brasto in the society”; “Because we would be comfortable and no-one would pass judgements.” “This is important for LBT as this is our very own health service where we are comfortable to go.” “It would be safe for me and my partner and we can go together as partners.”

A resource-intensive option like this requires more research, analysis, design and planning in coming years with the Health Ministry and others, but it is clearly a core request.

Younger LBT women and GNC people in Fiji are at higher risks of substance abuse, depression and suicide than the mainstream population.⁴⁰ DIVA for Equality has been engaged in accompaniment, referral, frontline assistance and documentation in 2 cases of completed suicide and 2 cases of suicide attempts since the last quarter of 2018. Counselling services need to be provided to LGBTI young people finding it hard to cope with issues they face at home and in their communities because of their sexual orientation, gender identity and expression. Support and protocols also need to be made available to community members who are already at frontline of responses when this happens to one of their peers.

The Fiji Police Force and the National Substance Abuse Advisory Council revealed in 2018 that 630 young people between the ages of eleven to twenty five years took their own lives from January 2011 to September 2018. Fiji recorded seventy suicide cases and eighty attempted suicides from January to September 2018.⁴¹ While gender data is not desegregated into SOGIESC in Fiji for official Ministry of Health statistics, it was reported that fifteen women and girls committed suicide while thirty seven attempted.⁴² This shows that more mental health and well-being awareness and advocacy needs to be done. Therefore, health care providers should be aware and be able to pick up signs and symptoms of depression in LGBTI young people, and to know where to refer them for expert healthcare, and for wider civil society ecosystems of care and wellbeing, such as the Management collective, hubs and networks of DIVA for Equality, and others.

***A massive seventy seven percent of respondents said they need LBT specific mental health counsellors,** which is why DIVA for Equality is currently working with UN Women Pacific and LGBTI healthcare partners to develop, design and implement a pilot training and development programme for local LBT and GNC grassroots activists to become certified LBT mental health counsellors. Since 2011 we have drawn heavily on our own Management Collective and hub focal points as we have grown in the organisation, and where we are not able to handle the mental health issues, we refer to Youth Champs for Mental Health⁴³ and a very small number of local private psychologists but this comes with a cost. All cases of physical and sexual assault are referred through the services of FWCC, who have a dedicated hotline and internal gender responsive, feminist and human rights framed counselling services. We do not refer to any faith-based or un-accredited agencies, as a policy.

DIVA for Equality is also working closely now with the Ministry for Women, Children and Poverty Alleviation, FWCC, UNWomen Pacific and other partners on the national EVAW protocol so that even before our own counselling programme services begin in 2020-2021, DIVA for Equality is already better linked into certified, evidence based mental health and counselling services for LBT and GNCP in our networks, especially in cases of sexual and physical assault. The emergent work of the 'Balancing the Scales' project of FWRM and femLINKPACIFIC is also a potential new resource for LBT women and girls, and to ensure that any new or revised legislative frameworks, policies and processes include all women - specifically LBT women, GNC people and intersex people, among others.

Another priority area for LBT women and GNCP and health as for all women in Fiji, is prevention, screening and treatment for breast and gynecological cancer screening. These can include breast cancer, cervical cancer, endometrial cancer, gestational trophoblastic disease, ovarian cancer, uterine sarcoma, vaginal cancer, vulvar cancer, et al. Unfortunately, the signs for gynecological cancers can look like other conditions, so be on the look-out for the following, as a minimum : Abnormal vaginal bleeding, unexplained weight loss, vaginal discharge coloured with blood, constant fatigue, loss of appetite or feeling full all the time, pain in the pelvis or abdominal area, frequent urination or other change in urination and bowel movement, persistent indigestion or nausea, changes in your breasts including nipple discharge or other significant changes in the nipple, a lump in the breast or underarm that persists after your menstrual cycle, swelling in the armpit, pain or tenderness in the breast, a noticeable flattening or indentation on the breast, etc. Having one or more of these symptoms doesn't mean you have cancer. But if they last two weeks or longer, see a medical professional for a proper check.⁴⁴

According to the Fiji Ministry of Health, 40.6 per 1000 women of childbearing age had cervical cancer screening from the January to July period in 2016 but disaggregation⁴⁵ by SOGIESC is not available in national health data. The Fiji Ministry for Health and Medical Services reports that the top 5 types of cancer for women include, cervix, breast, uterus, ovary and liver cancer. They recommend the following, to help reduce risk of cancer: Stopping use of tobacco (including traditional 'suki' or commercial cigarettes), eating a healthy diet, being active and maintaining a healthy weight, reducing and maintaining moderate or stopping alcohol intake, practising safer sex and avoiding risky behaviour and getting immunised against HPV and hepatitis, knowing your family medical history and getting regular screenings.⁴⁶

What we know from this research is that a very low number of LBT women and GNC people in Fiji get regular mammograms or access pap smears and other gynaecological cancer screens and testing.

***A shocking 2% percent of the 645 LBT women and GNCP in this study have ever had a mammogram screening.** This is despite breast cancer being the most common cancer in Fiji.⁴⁷

***Only 10% percent of LBT women and GNCP have ever had a pap smear test screening.**

Cancer treatment may include chemotherapy, radiation, and/or surgery. There are many factors to consider and a medical professional is the best person to recommend the type of treatment needed. Treatment can depend on the type of cancer, how advanced it is and what treatment is available but LBT women and GNC people, as with everyone, must be their own patient advocate. Patients must be clear on the diagnosis, ask questions and write notes. They also need to be clear on the treatment decisions, why they are being offered, and if there are alternatives. Get a second opinion if needed. Currently all cancer cases are being managed in 3 divisional public hospitals (Oncology Units). The local treatment used in Fiji is in the form of surgical intervention and limited chemotherapy. Those requiring radiotherapy or other treatment are referred overseas through funding by Government and philanthropic bodies. Be clear with doctors on financial situations, and contact the Fiji Cancer Society as soon as you are diagnosed, to explore options. Chances of beating cancer are much greater if it is caught early.

In the context of LBT women and people, health-care practitioners in Fiji should never assume that anyone does not require cervical screening because their sexual orientation is given as lesbian. Nor should it be assumed that lesbians have not had sexual contact with males, by consent or through sexual assault, etc. This research shows that ***Note that 6% of LBT women and gender non-conforming people in the survey had undergone at least one abortion.** Cervical dysplasia⁴⁸ has also been reportedly found in lesbians who never had sexual intercourse with men.⁴⁹ Therefore SRHR health care practitioners should examine every patient equally and with no judgement, irrespective of SOGIESC. Services for gynecologic care, HIV virus screening and prevention counseling should be provided at all Fiji health centres and hospitals at the highest attainable level of healthcare system, using a strong human rights and gender justice frame.

DIVA for Equality are particularly worried about the incidence of sexually transmitted infections (STI) and HIV and AIDS prevalence in all marginalised, at-risk and poor communities including LBT women and GNC people. According to the Fiji Ministry for Health, one in four people in Fiji have a sexually transmitted infection, and the most common infections are gonorrhoea, syphilis, genital herpes, pubic lice, chlamydia, hepatitis B-1 and HIV-1. The HIV infection rate is highest in Fiji in the 20-29 year age group showing a large number of young people engaging in unsafe sex. As of December 2018, the Incidence rate in Fiji was 0.082 per 1000 population which means in 2018, out of every 100,000 people, more than 8 people were newly diagnosed with HIV. On national HIV prevalence rates, the total number of cases diagnosed with HIV since the start of the epidemic (1989 – 2018) in Fiji is 927, giving an annual prevalence rate of 1.107 per 1,000 population⁵⁰ or one person per every 1000 people. As the Ministry rightly acknowledge, a key area of work for public health sector is accessibility, focused on distribution of quality, affordable, evidence-based healthcare services across all urban poor, rural and maritime areas, with a focus on all women and girls throughout their life-cycles, including all key populations regardless of their SOGISEC, or any other variables.

There are many other issues of health and wellbeing for LBT and GNC people in Fiji. One major issue faced by LBT and GNC people in Fiji are **lack of targeted programmes to address high-incidence Fiji non-communicable and communicable diseases**. This can include diabetes, heart disease, rheumatic heart disease, asthma, as well as dengue, zika virus, filariasis lymphatic filariasis and others. There are major issues right now for some LBT women and GNC people on access to insulin: *“I’m writing my story so the Fiji Government can see this and change it, and for people to understand. I hope they read this...I need insulin every day. We say we must end violence against Fiji women. I can’t go on without medicine. If I have none, I will die.”*

We also need to have adequate intersectional and interlinked responses at local, national, regional and global levels to the health crises becoming regularly cyclical in Fiji due to **disasters and climate change loss and damage**. Further reports will cover this issue in detail.

There is further work needed to ensure **adequate support and resources for grassroots civil society groups led by Fijian LBT women and GNC sex workers**. There is also urgent need for prevention and treatment programmes on **LGBTI people and drug use**. As well as a focus on glue sniffing and other inhalants which have long been an issue, there is urgent help needed for young people in Fiji using hard drugs such as ICE, amphetamines and others. In our work with poor and grassroots communities, this is becoming a major health, safety and ERAW issue and requiring multi-stakeholder, human rights framed responses.

Another area of need are evidence-based discussion and dialogue on legislative, policy and programmatic support for social, legal and medical aspects of **transitioning for transgender people in Fiji**. It is important to affirm that there is no single way or right way to be transgender. Some choose to transition medically and socially, and this must be supported as a human right. Other transgender people choose only to socially transition, or cannot medically transition due to co-existing health issues, for economic reasons, etc. Transitional choices are personal, based on individual life paths. For all transgender people, the human right to be recognised as one’s gender identity under the law and in practice, is a core human rights issue for state and non-state actors.⁵¹

Much more work remains to ensure that all who require it, have timely access to evidence-based, accessible and accurate information, resources and treatment in all areas of health and wellbeing.

My Story

“It was back in 2016 that I came to realise that I have Type 1 diabetes. I was then admitted to the Intensive Care Unit of the hospital for 2 weeks then I was transferred to the Women’s Medical Ward for 2 and a half months. First of all, I was shocked and frustrated about my sickness because I just can’t believe that I came to have it when I was an adult. I had to get used to this problem that has changed my life completely. So I was then introduced to INSULIN during my admission at Lautoka Hospital. I was taught how to inject myself, and information on shots I have to take every morning and evening. I was advised by doctors and nurses that if I missed out even one day, my life is 99% at risk. So all I have to do is follow their advice, they said. When I got discharged from the hospital I had a good supply of my INSULIN for no charge. But when I left, I found after some weeks that something is not really completely right. I often find that my supply was out of stock at the hospital pharmacy. So I had got no other option but to buy it from the commercial pharmacies for \$15-\$20 per bottle which only lasts a few days.

I just can’t afford that much for my bottle of insulin, I live in a shared overcrowded small house. We struggle. I work when I can find some. But sometimes I am very sick. Then I have to stay at home on my mattress with someone looking after me. My first supply of insulin was 3 bottles, then after that, they used to give me only 2 bottles and now I’m getting 1 bottle if I’m lucky enough to get it. If not I just have to buy it, but most of the time the pharmacies in Lautoka city where I’m residing are always out of stock for more than 2 weeks to come. It is scary for me. I have to find ways, or my partner and family when they already have problems. It is hard because my mother travels to Nadi if I am too sick to go, to buy from a pharmacy there. That pharmacy is for the tourist city, and it usually does not run out. But it does sometimes too. Another day the Nadi one ran out of insulin and my mother went to Denarau pharmacy, to one for rich people in that area. They don’t usually run out of it. She went by bus all the way from outside Lautoka to Denarau and back again to buy 1 bottle. She managed to get one. But its hard and costs a lot to go there and back including bus fare, time to go, and takes us away from other jobs.

*Last fortnight the insulin was still running out so my partner messaged DIVA for Equality for help requesting if they can help to get me insulin...They had to prepare it to keep it cool, then send it by bus courier which took half a day to get it. If it wasn’t for them I won’t be writing... about my life and my problems with diabetes, health system and poverty. I’m writing my story so that the Fiji Government can see this and change it, and for people to understand. I hope they read this. I need insulin every day. We say we must end violence against Fiji women. I can’t go on without medicine. If I have none, I will die. I think this is also violence”.*⁵²

Key Recommendations

- The Fiji Interagency Guidelines (IAG) on Child Abuse and Neglect include focus on ending violence against, and neglect of LGBTQ and intersex children and young people;
- Committed and organized advocacy on quality, evidence-based, quality, affordable and human rights framed universal healthcare system at the country level including removing any LGBTQI pathologizing and discriminatory regulations and ensuring full access to legal gender recognition and to gender affirming healthcare.
- Depathologizing gender diversity in childhood and ensuring
- The Ministry of Health to prioritise the training and sensitization of Health Professionals and Practitioners on SOGIESC so they are able to provide inclusive services to LBT women and people.
- LEADERSHIP roles and positions of influence for LBT and GNC people throughout the public and private Fiji healthcare systems;
- National budget allocations for the Ministry of Health to specify budgets for SOGIESC trainings for Health Professionals and Practitioners. To ensure this, increase in budgetary allocation for the Ministry of Health and monitoring of the usage of such budget allocations should be thorough so that monies are spent on such health programmes and activities.
- Mental Health services should be sufficiently funded and properly resourced.
- A multi-stakeholder approach to ensuring accessibility to health facilities and services for LBT women and people. Accessibility means the right to seek, receive and impart information related to health that is available in an accessible format for all but that does not impair the right to have personal health data treated confidentially.⁵³
- Ensure that health services and facilities are safe for LBT women and people to access especially counselling services on mental health and sexual reproductive health issues.
- Ensure that national review of clinical guidelines policies and processes responding to Intimate Partner and Sexual Violence against women by MoHMS, mainstreams SOGIESC
- Baby Friendly Hospital Initiative (BFHI) standards include mainstreaming of human rights, gender and SOGIESC training, toward safe, accessible and LGBTI friendly services

- Mother Safe Hospital Initiatives (MSHI) include mainstreaming of human rights, gender and SOGIESC training, toward safe, accessible and LGBTI friendly services
- Disaggregated data on gender - specifically LBT women to be recorded by Ministry of Health and published in its annual reports. The Ministry of Health to also publish its Annual reports in a timely manner.
- Address human resource shortage - doctor to patient ratio. Ensure specialist doctors are available to deal with LBT issues regarding SRHR and mental health.
- Multi-stakeholder approach to increasing awareness on STIs and HIV for LBT women and people to encourage safe sex practices to reduce the transmission of STIs or acquiring HIV.
- LBT organisations and people working with the Ministry of Health regarding awareness on Mental Health and SRHR.
- VISIBILITY of lesbian, bi and trans women and their needs and experiences in all aspects of service design and delivery

A MANIFESTO FOR SOUTH FEMINIST ORGANIZING



A group of South feminists came together at the 62nd Commission on the Status of Women (CSW62), in New York, March 12-23, 2018, at a space hosted by RESURJ and DIVA for Equality Fiji. They believe that sexual and reproductive justice enables social, economic, political, and ecological decision-making. The manifesto is an attempt at mapping the political imaginings and aspirations for South feminist organizing across generations, movements and struggles.

bit.ly/SouthFeministManifesto

Our feminist organising will adhere to the values of:

Power sharing and accountability.

Collectivity and interlinkages.

Intersectionality.

Sexual sovereignty.

Taking sides.

Disruption, not destruction.

Accomplices not allies.

Clarity and honesty.

Deliberation.



Key Findings

Poverty, Education, Employment and Economic Justice

Quotes

poverty, employment , education & economic justice

"I reached my secondary school level and my grandparents told me they could not support me, so I had to struggle to look for a job to get money to pay for my secondary education. Things I did was catch crabs and sell them and from this money I bought school stationery...there was a day that came that I had to make a decision to leave school because there was no income and I had to stay and help my grandparents...I left school in form 3 and stayed home to help my grandparents".

"..one week before my 21st birthday I told myself that I needed shelter above my head by hook or crook. I sacrificed and I used my tertiary fees. My parents didn't know I was using it because I had no place to stay and they knew I was still in school..so whatever money I got for my fees that my dad sent, I kept it and looked for houses to stay".

"I have a partner and we are both unemployed. I told my partner to look for work as we facing a lot of problems dealing with money to buy our stuff, so we started off with low minimum wages working at the car wash".

"So if there is anything else for me to learn it is to know my rights as a bisexual and lesbian...I would like the opportunity to work, so I need my rights and I need someone to listen to my story cause I face difficulties at times and I can't keep saying I'm alright, I'm alright, I'm fabulous when deep inside on one knows the hardships we face, but we face difficulties just because of being gay".

"It's really hard because even the government thinks we don't count or exist...in our workplace, they'll all joke about it and it's not normal because you don't enjoy work because of your gender. They start to make faces and call out names and say things sarcastically, so you are just at work because of work, you don't enjoy working with the people around you...they think you don't fit into their lifestyle and you think they don't fit in yours so there is a misunderstanding and that is the saddest part".

Key Findings—Poverty, Education, Employment and Economic Justice

632 of 645 LBT women and GNC respondents completed primary school



516 of 645 LBT women and GNC people completed high school

1 in 5 LBT women and GNC respondents completed tertiary education

61.89% of LBT women and GNC respondents are unemployed, and/or do precarious casual work when it is available.

38.11% LBT women and GNCP surveyed are in some form of employment, earning wages and a salary.

4 main issues stopping LBT women and GNCP in getting work include:

Lack of education		40%
Lack of access to life skills because of stigma		22%
People refuse to work with lesbian, bisexual, transgender man, Transmasculine, Brasto and gender non conforming people		20%
Lack of self esteem/mental health		18%

1 third of employed LBT women and GNC respondents are not publicly ‘out’ about their sexuality to their workmates.

Of those **48 persons** refused a job because of their SOGIESC, **21** were Transmen, Brasto, Transmasculine, and GNCP

48 LBT and GNCP have been refused employment because of their SOGIESC

7% say that they were kicked out from their jobs because of their SOGIESC

Experiences and strategies of LBT Women and Gender Non-Conforming People in Fiji on poverty, education, employment, and economic justice

There are many factors about living in the Pacific small island states that can inform useful discussion of LBT women and GNC people's access to education, employment, poverty reduction and of economic justice. This is about contextual realities of people and place, together determining one's ability to access resources, services, justice and human rights, in law and in practice. It is about bodies, autonomy and intersectionality and about internal socio-political order in place in Fiji. It is about the intersection of local, national, regional and transnational politics. ⁵⁴

Using a wider lens, Pacific island developing countries including Fiji are generally characterized by small population size and limited land area, remote geographic location from economic markets, high biodiversity and complex intricate land and oceanic ecosystems. In terms of aid, trade, fiscal management and economic sustainability this is particularly challenging, as national budgets are small, there are medium to high levels of aid conditionality and donor dependence, and often large fluctuations in GDP and terms of trade, tax and non-tax revenues. There is also generally high reliance on remittances as well as almost annual disasters adding to loss and damage from climate change. This includes loss of land from sea-level rise, property and infrastructure damage, droughts and floods from changing rainfall and weather patterns, soil erosion, saltwater intrusion, air, oceanic, land and waterway plastic and other pollution, loss of food security and sovereignty and more.

Keeping in view the structural features of small island states, a context-specific design of strengthened fiscal infrastructure and economic, trade, aid and minimum global interference in determination of development outcomes, along with effective risk management can help to improve resilience to shocks, improve economic sustainability and facilitate implementation of sustainable development priorities. However, as Agenda 2030 and the 17 Sustainable Development Goals tell us, and with lessons learnt from the Millennium Development Goals (MDGs) ringing in our ears, this is not enough. So what can we learn from feminist and heterodox economics, to get it right?

As citizens in most modern States including Fiji, there is an imagined anthropocentric and democratisation frame that presupposes that all citizens will experience their family and community, their society, and their Government in similar ways. So the implication is that no matter your sexuality, gender, your age, your ethnicity or your socio-economic or other aspect of your background, you will be able to access state services, social protection, state infrastructure, and societal material and non-material resources.

There is a presumption that the State works equally well for everyone, and that if someone goes wrong, you will be able to gain redress, and justice. Of course, everyone also knows that this perfect equity is nowhere realised. So Government legislation, policies and procedures are supposed to help to even up any inequalities. In just one Fiji example, there is the complication of adequate protection of i Taukei (Indigenous Fijian people) rights in negotiation with justice and human rights concerns of other ethnic groups in this country for generations. In our

Country and region there are also the complicating politics of whiteness, the realities of hyper-development, of rising militarism woven into Peacekeeping commitments to the UN. There are hangover policies from the Structural Adjustment Programs (SAPS) era, the changing geopolitics of US imperialism and pivot to Asia and Pacific, the rising role of China globally and in the Pacific. There is also the unspoken issues around post-colonial Australia and New Zealand roles in our region, including development arrangements at national and regional levels. All of this complicates attempts to bring into existence the ideal of equity and justice for all. In another example, the fact that women in Fiji still do not have full bodily autonomy and SRHR and that we have such high rates of violence against women and girls, and LGBTI people, is further proof that we are nowhere near realisation of universal human rights and sustainable and just development, including economic justice.

The body you are born into, matters. Embodied politics therefore matters. Recognising and negotiating intersectional identities matters deeply, because one's identities describe and prescribe the extent to which people can participate privately and publicly in intimate relationships, families and kinship groups, societies, and whether you will be criminalised or supported by the State and current Governments, have harmful or positive relationships with religious groups, the ability to move freely in civil society and public, organise and act or one's benefit, and to access services and protection of the State.

We already know that people, including women, experience oppression in varying configurations and degrees of intensity and that cultural patterns of oppression are not only interrelated, but bound together and influenced by the intersectional systems of society.⁵⁵ Intersectionality, as defined by Kimberley Crenshaw and other African-American, women of colour feminists and womanists, is *"the complex, cumulative way in which the effects of multiple forms of discrimination (such as racism, sexism, and classism) combine, overlap, or intersect especially in the experiences of marginalized individuals or groups."*⁵⁶

So for example, a 25 year old unemployed lesbian survey respondent from rural Labasa is not experiencing the services, systems and infrastructure of Fiji in the same way as another young gender non-conforming person filling the research form in Ba. There are major differences if one is ethnically iTaukei or Fiji Indian, or an LBT ex-sex worker with a severe disability, or a young lesbian daughter of a Chief living in an informal settlement in Suva, and many other permutations of identity. The power or disempowerment that one holds from various identities, influences one's ability to move within state and non-state systems.

Young LBT and GNCP in Fiji are early secondary school-leavers. **This research showed that while almost all LBT and GNCP in this research finished primary school education, almost 1 in 5 LBT and GNCP people did not finish secondary school.** This pattern of early secondary school exit, is complicated by family/household and school and the dynamics of the national and local education system. Poverty and gender inequality are often exacerbated by domestic violence, and when you add homophobic bullying by both students, teachers, Principals and wider kinship and society, it is very hard for a young LGBTI person to thrive in the Fiji school system. Many persist and thrive but there are mental health costs, and early life trauma.

A staggeringly high number of LBT and GNC people leave home or are forced to leave homes before the end of their teen years, and this is also a major factor in early exit from secondary school. They are forced to leave family homes due to their SOGIESC, partially or fully disowned by family or kinship networks, or just so isolated and depressed in a homophobic or transphobic atmosphere that they have left family households for a safer and more accepting environment.

“When I was younger I moved from house to house, looking for inner peace and acceptance because I didn’t feel it anymore in my home, the moment I came out to my family... I knew that I was going to be treated differently from all my other siblings and family. What almost broke me was being told that I was not to share utensils with other family members.”⁵⁷

***61% or 2 out of 3 respondents between 18-19 years old left home, were forcibly removed by family, or were fully disowned by the family.** Rates of LBT living outside family homes by ethnicity do not look significantly different as both are very high. However, more explicit action-based research and projects by LBT and GNC Fijians of Indian descent is needed in coming years, due to the very small respondent size of Fijians of Indian descent in this research project. ***89% or 4 out of 5 (of a much smaller sample of 27) respondents who are Fijian of Indian descent left home, were forcibly removed or were disowned by their family while 81% or 4 out of 5 Fijians of Itaukei descent surveyed left home, were forcibly removed from home or were disowned by their family.**

The research shows that large numbers of LBT and GNC young people in Fiji face early poverty, high levels of homelessness or transient housing, early school-leaving, high rates of unemployment, under-employment and precarious work, discrimination and sexual harassment in workplaces and more, with minimal/no social safety nets.

***38% of LBT respondents are in employment that enables them to earn weekly wages or salary. *62% or 6 in 10 LBT women and GNC respondents are unemployed and do precarious casual work when available.** Some key unorganised and precarious employment areas for those in DIVA for Equality networks include market sellers (generally working for stall owners, not with their own stalls), security work, domestic and commercial cleaning, retail sales, kitchen-hands, grass-cutting, car wash attendance, petrol bowser attendance, sex work, root crop export preparation (example, cleaning dalo and cassava), tele-centre call attendance, factory piece work, etc.

Workers in these sectors remain deprived of basic labour rights in many cases as there is slippage in maximum hours of work, rest periods, workplace OHS and minimum wage conditions if the employer decides. According to Fiji wage regulation orders, the minimum wage since 2017 is \$2.68 FJD and the normal hours of work are 9 hours spread over 5 days, or 8 hours spread over 6 days.⁵⁸ However, we have had informal complaints that some car wash companies still pay casual car attendants \$10 to \$20 FJD per day, making this as little as \$1.50/hour for 10 hour days of physical, wet, outdoor labour. There have also been reports of export

Food processing companies that pay daily rates of only \$10 per hour for 8 hours days for casual ring-ins and \$20 per day for regular casual workers. If asking staff to stay for an 4 additional hours they can pay \$4 extra for that shift, making it \$14 for a 12 hour shift, and providing short-run transport home at night. This is also nowhere near legal Fiji minimum wages, with major concerns on working conditions and long hours, poor physical labour conditions and very little negotiation for better conditions in a non-organised and precarious workplace environment.

The research also shows some reasons why employment is so precarious for young LBT and GNC in rates higher than other young people. ***48 LBT and GNC people said they had been refused employment explicitly because of their sexual orientation, gender identity, gender expression or sex characteristics (SOGIESC).**

***7% say they have been terminated from at least one job because of their SOGIESC while 33% of employed LBT and GNC people stated they are not public or 'out' about their sexuality** to their workmates for fear of discrimination and reprisal. **Vulnerability and possibility of bribery, coercion and harassment in the workplace are high.** Recently Fiji elite women athletes were reportedly targeted for exclusion from selection by their Coach, including his confirmation on this on social media, if they were presumed to be lesbian. The sports infrastructure apparently knew about this, and did not do anything about it. Many players have since left the Code, for another more open and respectful one. Presumably, if any such future incident is Constitutionally challenged in the High Court by any of the women players as a breach of their human rights under Section 26 of the Fiji Constitution (2013), international law including CEDAW and others, this could result in lawsuits and potential awards. Players will be willing to take this up as a Constitutional test case, if it happens again.

So we see that transforming economic justice policies and programming requires far more than just assisting more LBT women and GNC people in Fiji to earn more money, and in more ways. It requires more than business as usual, or even tweaking around the edges of the development system.

What is required is to transform our ideas, strategies and systems and to re-configure what is economic progress. To rewire our ideas on what is ecologically sound, sustainable and just development, and to construct societies and States that truly include all, leaving no-one behind.

This is a time of ecocidal marketisation and corporatisation of development where since 1988, just 25 corporate and state producing entities account for 51% of all global industrial GHG emissions and just the top 100 companies account for 71% of all global industrial GHG emissions.⁵⁹

This is also a time where just 8 white men own the same wealth as the 3.6 billion people who make up the poorest half of humanity. The pattern of growing global inequalities is shocking.

For example, in the USA over the last 30 years the growth of the bottom 50% has been zero, whereas incomes of the top 1% have grown by 300%.⁶⁰

In Fiji the Gini Coefficient index score of the World Bank shows modest decline in poverty inequality rates of 40.4 in 2008 to 36.4 in 2013.⁶¹ However, this national figure does not give us insight on pockets of deep and prevailing poverty in Fiji, nor on gendered levels of poverty, nor intersectional desegregation.

A fully desegregated set of data and attendance analysis is needed for targeted measures, and to address real gaps and obstacles for some of the population of Fiji, that still suffer from real deprivation and poverty, as well as stigma, exclusion, discrimination and violence. How will we integrate intersectional and interlinkage approaches for States that are still using older, unhelpful measurements of poverty and development? How do we quantify justice and equity, and can we create multidimensional measurements of poverty?

Tools such as the Individual Deprivation Measurement (IDM) are examples of feminist initiatives advancing this work. The Individual Deprivation Measure (IDM) is a new, gender-sensitive and multidimensional measure of poverty, developed to assess deprivation at the individual level and overcome the limitations of current approaches that measure poverty at the household level.⁶² DIVA for Equality is in discussions with IWDA and others to participate in more accurate measurement and analysis of poverty and sustainable development progress, in order to advance social, economic and ecological justice, and leave no-one behind, including LBT women and GNC people.

Another set of questions are around measurement of the origins and processes of just development. The answers are in the processes as much as the development outcomes. As Devaki Jain, a prominent feminist economist from India asks, how will we make sure that there is 'bubble up' and not trickle down economics?⁶³ How do we engage in deep democracy, and not merely in performative electoral processes that do not adequately measure the intersectional lived realities where some citizens have their voices heard, while others are ignored and punished by various State apparatus, non-state institutions and society?

One thing is clear. There must be no more apologetic requests. It is way past time to demand real change, to assertively change our dealings with our State as women and girls (including LBT women and GNC people). Vivienne Taylor, Afriscan feminist researcher asserts that we must embrace power that is transformative in content and ensure that human rights and consensus is at the centre of a re-energised, accountable development State. There are 3 ways of doing this, she asserts: Through direct action, from below by building grassroots democracy, and through a human rights culture."

In this time of possible human extinction⁶⁴ and deepening inequalities⁶⁵ the work of States needs to be carefully and participatively developed, publicly accountable and targeted to specific social, economic and ecological contexts.

Education, decent work, poverty alleviation and economic justice policies must be situated in relation to human rights and access to social services and social protection, energy democracy, food sovereignty, water sovereignty, ecologically-sound sanitation systems, equitable infrastructure and more. This kind of development encourages agroecological farming, aquaponics, permaculture, local livelihoods systems, disability responsive development programmes, cooperatives by and for women and rural communities. We require changes to socio-cultural understandings of being an individual earner and part of a family and household(s). We require transformations to the means of production, consumption and distribution. We require solidarity economics, ecological economics, heterodox economics. There must be commitment to changing the core gender, social and economic context and environmental conditions. This will necessarily take into account Fiji LBT women and GNC people's needs, and their own development solutions.

Key Recommendations

- The Fiji Ministry for Education has a Child Protection policy with a zero tolerance for child abuse, including mandatory reporting obligations. The Guidelines for this Policy must include explicit protection for children facing violence because of their actual or perceived SOGIESC, and training for all Ministry staff, Principals and teachers by local SOGIESC and human rights experts;
- The Ministry for Education must ensure that all primary, secondary and tertiary educational institutions include human rights education in their curriculum, and that this includes specific content on SOGIESC, and gender justice and women's human rights. The curriculum must promote principles of gender equality, respect, nonviolence and peace-building, diversity, plurality, fairness, sustainability, democratisation and justice.
- The Ministry for Education must ensure that all primary and secondary school teachers are trained to teach human rights, including respect and civic-mindedness toward all at-risk, high need, marginalised and vulnerable communities, including LGBTI people, LBT women and people with non conforming gender identity and gender expression
- Increase awareness of, and capacity for education on social issues such as Drug Education, HIV/AIDS, Gender Equality, Women's Human Rights, Comprehensive Sexuality Education, Gender Based Violence, Respectful Relationships, Sex Education, NCD, Cyber Safety, and Mental Health at school
- Enhance technical, vocational and lifelong skills training at all levels, including by providing acceleration programmes for women in all their diversity to enter decent work in non-traditional areas such as construction, infrastructure and rural development, local governance institutions, surveying, civil engineering, agriculture, and more.



Key Findings

Fiji Police, Court System and Access to Justice

Quotes

Fiji Police, Court system & access to justice

"..what I could see is that most of the lesbians in these parts are not treated equally, there are more discrimination from the Police force in terms of when we go to report some cases. They ignore us. I think there is a need for society and the government to realise we are trying to raise our concerns. The lesbians are victimized and have been abused from when young so they don't trust boys or men."

"Sometimes we face violence from the police when we go to the police station. We get swears and when we told them that they don't have the right to swear at us, they said shut up. That's why we can't say much because they thought wearing the uniform gives them the right to do that...police officer showing disrespect to us, verbal abuse, they don't have respect which I face most of the time from them".

"...the whole reason I had this case was because of this girl... who accused me and some other friends of abusing her physically and gang-raping her, which was a lie."

" At this point in time I'm in (a prison) and just been eating rice and dhal. I thank God for showing me the way and I have been fasting and praying about the case, and why I was falsely accused."

"First time experience being in court, I was very scared. I felt no support. It was only me and the judge and I did not want my mum and dad to know. When I was found guilty and sent to jail, I had a realisation that I needed to pay for the crimes that I have committed."

"At the police station when being taken for questioning, no force was used to get my statement. Questions were asked on my whereabouts during the time of the crime. Fear rises when I was going for 1st court hearing at court 5, and then 2nd court hearing after 3 weeks. I got nervous and fearful that it was being held at the High Court. This is where they passed the verdict, and was being charged. I was having faith because I'm not the perpetrator but I'm just taken in for my involvement with the crime - ie help in transporting the stolen items. They told me that...my copy of statements were not to be lost during hearing or else I have to pay (for another copy)."

Key Findings—Fiji Police, Court System and Access to Justice

11.49% of LBT women and GNC respondents have gone to the Police when sexually assaulted or beaten.

Of the LBT women and GNC people who say they have been sexually assaulted and beaten, and went to the Fiji Police Force, these were their experiences:

They listened to me		81%
They were judgemental		75%
They did nothing		58%
They arrested the person		54%
I accessed legal aid		40%
The person went to court		36%

30 LBT women and GNC respondents said that they have been beaten by the Police because of their SOGIESC

76.24 % of LBT women and GNC respondents who have been sexually assaulted and beaten, do not feel safe going to the Fiji Police

Experiences and strategies of LBT Women and Gender Non-Conforming People in Fiji on dealing with the Fiji Police, Fiji Court system, and Access to Justice

This research recalls and reaffirms that ALL human beings are born free and equal in dignity and rights. Everyone is entitled to the enjoyment of human rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁶⁶

However, we must be aware that historically people in Fiji and all around the world have experienced human rights violations, because they are or have been perceived to be lesbian, gay, bisexual, because of their consensual sexual conduct with persons of the same gender identity or because they are or are perceived to be transsexual, transgender, intersex or belong to social groups identified in particular societies by sexual orientation or gender identity.

It is important to observe that Fiji national law and international human rights law expressly affirms that regardless of sexual orientation, gender identity and gender expression, every person is entitled to the full enjoyment of human rights, and that applications of existing entitlements should take account of the specific situations and experiences of people of diverse SOGIESC, and that in all actions concerning children, the best interests of the child shall be a primary consideration, and a child who is capable of forming personal views has the right to express those views freely, such views being given due weight in accordance with the age and maturity of the child.

Additionally noting that national and international law imposes an absolute prohibition of discrimination in regard to the full enjoyment of all human rights, civil, cultural, economic, political and social and that respect for sexual rights and SOGIESC is integral to the realisation of gender equality, ending violence against women and girls. There is an urgent need to speed up work to end stereotyped gendered norms in society by addressing persistent gender equality gaps and blockages. States must take due, urgent measures to eliminate prejudices and customs based on the inferiority or the superiority of one sex and gender group over another, namely males/men over others.

It must also be reiterated that Fiji and the international community has recognised the right of persons to decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health and rights (SRHR), free from coercion, discrimination and violence, and that realisation of these rights is urgent work. Therefore, there is significant value in articulating in a systematic manner national and international legal guarantees and human rights law as applicable to the lives and experiences of persons of diverse sexual orientations and gender identities, for State and non-state parties awareness and action.

LBT women and GNCP, and their Experiences of Fiji Police and Fiji Court Systems

As well as being clear on laws, there is a need to improve justice in practice, in wider State and non-state systems. LGBTI individuals in every country of the world regularly face hostility, discrimination or exclusion from many institutions of the State, such as law enforcement, the judicial system, the healthcare system, or the education system, and from broader society, such as in the media, the private sector, businesses and services, religious institutions, and at social or cultural events. This discrimination can range from subtle and unspoken to aggressive and violent acts as LGBTI people continue to be the targets of physical assault, sexual violence, rape, torture and murder, by many State and non-State actors.⁶⁷

Beginning with protection from violence and freedom from arbitrary arrest and detention, the human rights and entitlements due to LGBTI people in relation to the powers of the Police and the courts include the human right to a fair trial and humane treatment while in remand and the prison system, and including the right to be free from torture.

Women experience many issues of injustice before the law and in practice. The results shown by 'Balancing the Scales' report by FWRM,⁶⁸ and by FWCCC⁶⁹ over the years in their defence of Fiji and Pacific women who experience violence, is important to reiterate. There are socio-economic, political, development sector responses and other reasons why people all do not access justice in the same way, and with equity:

Sometimes it is the economics of the systems, that can be improved for equity: *"In Quick Facts Fiji (in the 'Balance the Scales' report by FWRM), the research team has provided a picture of the lives of women and girls across Fiji and the socio-demographic factors that may affect their ability to access family law services when court fees are charged. In rural areas of Fiji in the Northern, Eastern and Central Divisions, between 4 and 5 out of 10 women and men live on or below the Fiji basic needs poverty line. A woman living on the basic needs poverty line has an income of around FJD 50 a week, therefore the FJD 50 court fee in the Family Court or the FJD 100 court fee in the High Court of Fiji would be beyond her financial means."*⁷⁰

Often it is a change in the contextual analysis, frame and methodology that advances success: *"Home-grown initiatives in the Pacific to address violence against women and girls have better chances of succeeding and bringing about change, than overseas-designed programs that are implemented with good intentions but in the wrong context...Network members agreed that a critical concern for them is that programs to end violence against women and girls must emerge from local women's human rights groups and be sensitive to the community context."*⁷¹

The 'Unjust, Unequal and Unstoppable' research project clearly shows is that LBT and GNC people face violence on so many fronts from childhood and through their lifecycle, and such high and persistent levels of experience of state and non-state violence, that it affects one's ability and willingness to trust the State, many with good reasons.

The effects of normalisation of many forms of societal violence, coupled with specific violence because of one's sexual orientation, gender identity and expression, and sex characteristics,

are truly traumatising. Despite this, many survive and thrive. Others do not. Our goal with this section is to highlight the ways that the Fiji Police Force and the Fiji Court and legal system can assist in stopping the ways that LGBTI people are re-traumatised in an already-unjust social system, to deal with all people in just ways, and build better systems for access to justice. Other sections in this report deal with other State institutions and non-state sectors. This is the catalyst for much more work, including further reports.

Before and during arrest

LGBT people do not necessarily experience justice before the law, similarly to others. The statement that 'justice is blind', is seen as aspirational by some, but for feminists it is already problematic from the beginning. Society is never fully equitable, therefore justice cannot afford to be 'blind' to difference.

The apparatus of the modern State is made up of humans, making use of laws, policies and processes made by humans. They hold diverse views and biases. Many in Fiji are misogynist, homophobic and transphobic, even while the Bill of Rights in the Fiji Constitution prohibits discrimination on the grounds of sexual orientation, gender identity and gender expression, among other grounds. State employees including in the Police and Courts exercise their judgment in many grey, liminal areas. Others make very clear areas of law and policy into grey areas to suit personal beliefs and thereby harm LGBT people and violating human rights with impunity.

When an LBT or GNC person comes into contact with the Fiji Police Force, as a victim/survivor of a crime or an accused person, they enter, move and exit a system that is heavily heteronormative. So we have to be careful to see these issues, address them, and make systemic changes over time and with adequate public resources, to ensure they do not anymore impede an individual's access to justice in law and in practice.

Many LBT women and GNC people in Fiji will not even willingly use the formal justice system, as victim/survivors of violence. There are many reasons for this. Our work from 2011 shows a wide distrust and fear of the Fiji Police system and the formal Fiji Court system, including in the results of this research. Despite very high levels (84%) of LBT respondents having experienced sexual assault, physical assault, mental abuse and more from intimate partners, family and the public (see Violence section above), 43% of those surveyed said they would only tell their closest friend or partner about the violence. ***Only 11% of respondents reported to the Fiji Police when sexually assaulted.**

This high level of non-reporting is consistent with further answers from survey respondents on perceptions and actual treatment within the Fiji Police system (see below), and shows where we must urgently work together as partners to improve the system. This is what DIVA for Equality is already starting to do, in partnership with the OHCHR and the Fiji Police Force Academy, even before this research is released.

Within the Fiji Police and Fiji Courts systems

For those LBT women and GNC people who do report crimes against them or are in the system as accused and convicted offenders, their experience within the Police and Court systems of Fiji is partially positive at best, frustrating and judgemental as the norm, and demeaning and violent at worst.

***LBT women and GNC people in the survey said that while they felt that Fiji Police listened to them if they reported they had faced a physical or sexual assault (81%), 75 % also said the Fiji Police were judgmental in dealing with them over those assaults.**

***30 LBT women and GNC people in the survey say they have been beaten by the Fiji Police.** This is one of the areas that must be urgently addressed in strategic ways within the Fiji Police, to end violence within the Police Force and any other public institutions. It is time for a national summit on violence, its consequences and to advance work to prevent and address it, in all areas of society. This includes on intimate partner violence, domestic violence, sexual and gender based violence, EAW and against girl children, violence against all children, violence against the disabled, violent and toxic masculinities, violence and bullying in schools, and much more. What is required is a working group and resultant programme including local experts from all backgrounds, including community leaders, Government workers of all levels including leadership, diverse civil society including women-led, child rights, disability led and LGBTQI led groups, youth led groups, elder led groups, political party representatives, health workers, mental health professionals, experts on stopping bullying, social workers, feminists on patriarchal violence and misogyny, human rights workers, academics working on violence, workers on militarised violence and on nationalist, ethnic violence, Indigenous groups, ethnic minority groups, experts from religious groups and more. To co-organise this in a facilitated civic dialogue space and take work on state and non-state violence to the next level, is well overdue. Our society clearly requires us to do this. Better thinking, dialogue and proactive strategies, are important parts of this work.

***54% of LBT women and GNC people who said they reported crimes of physical and sexual assault said that Fiji Police Force arrested the accused perpetrator. *36% said the accused person went to Court. *However, another 58% said that when they reported a physical or sexual assault, Fiji Police Force did not arrest anyone and did nothing further.**

***Overall 76% of LBT women and GNC people surveyed say they do not feel safe going to the Fiji Police at all for assistance.** We are already trying to address this, in a number of ways. From mid 2017, with our partners from the Office of the High Commissioner for Human Rights in the Pacific, DIVA for Equality regularly provides short-sessional training on SOGIESC and Human Rights, for all intakes of Fiji Police Force cadets at the Fiji Police Academy.⁷² We are also raising the level of internal Hub awareness on gender based violence and intimate partner and household and family violence. We are raising awareness with wider EAW frontline responder partners on the specific needs of LBT women and GNC people, and the need for us

to lead in this specific set of SGBV work. We are also working on our own organisational protocols that align with national protocols and international best practice. With UN Women Pacific and others, we are preparing to design and implement LBT and GNC specific mental health counselling programmes. This is still work in the early stages, and nowhere near enough, but the response from all stakeholders, has been highly positive to date. There are more specific sets of work to advance in coming years including sharing good practice resources from other Police Forces, developing better resources for legal drawdown from the Fiji Constitution and Bill of Rights, review of the Fiji National EVAW Protocol in terms of how Fiji Police, Fiji Prisons and Fiji Court systems deal with LBT and GNC people who are survivors and offenders, and more. LGBTI groups have also held one productive meeting to date with the Fiji Police Commissioner over progress in investigations of two recent LGBTI murders, with invitation from Police leadership for more dialogue, in the near future.

Protection while in detention

It is important for state services to understand that most LBT women and GNC people coming through the State formal justice system as offenders, have already experienced very high levels of violence, discrimination, stigma and homelessness before they enter the system. Therefore, it is important that State systems are fair, just and do not further re-traumatize accused, and/or offenders that are often also survivors of sexual and gender based violence. In the research interviews and focus groups, respondents shared the following experiences, and we continue to improve our work both inside and outside formal systems, to accompany prisons and emphasise human rights issues and better conditions for LBT and GNC people inside state institutions:

"(This was my) first time experience being in court, I was very scared. I felt no support. It was only me and the judge and I did not want my mum and dad to know. When I was found guilty and sent to jail, I had a realisation that I needed to pay for the crimes that I have committed."

"During Court hearing... I was sleeping in the cell. I spent 3 days in Nabua Police station cell. It was my 1st time, very cold and dirty, and I also spent 1 day in Totogo cell. When being charged, I was taken in for thorough search. This is a new thing altogether, feeling nervous and afraid, where I'm being stripped naked. Female police officers used a mirror to check our private parts. I have to squat, in case we slipped in something."

"Totally new experience to be in prison...We only have each other (woman inmates) for support. We think of our family outside when it is during weekends. (It was an) experience to wear big dress all the time, everyday. We stay indoors all the time, except breakfast, lunch, dinner, laundry and church service - we get to come out. Experiences as if in the boarding school. Basic learning skills, clean your bed. On the day of the Hearing it will be a good day, since you get to see the outside world, see the city, meet friends on the way, if there is a new development in the Town or City. Will come back and share with the rest of the inmates."

"The language, tone and facial expression used by the Prison Officers is not friendly, sometimes discriminating. Questions asked (by Prison Officers) when I was taken in for the 1st time, like whether we been taken to the right Correction Centre or not because of our dress code and haircut. (They say) I have to act like a woman because I'm a woman. This is a phrase they always tell us when we are inside. It's always something wrong to do with us, the way we look."

Freedom from torture, Restorative justice and Peacebuilding

Everyone has the right to be free from torture and from cruel, inhumane and degrading treatment or punishment, including for reasons relating to sexual orientation, gender identity, gender expression and sex characteristics. For LBT and GNC people in Fiji, this means that when society points out concerns on the state institutions, we must be heard with willing ears, and responses provided with urgent response, progressive realisation and maximum available resources.

This is not about empty shame and blame nor rhetoric, but is raised so that we can advance urgent work for justice and positive remedies. Around the world, many people are already working for accountable and torture-free State and non-state justice systems, realisation of human rights, reparations, restorative justice and peacebuilding. DIVA for Equality recommendations take forward this work, and we invite other stakeholders to assist in moving forward this work in Fiji, in law and in practice.

Key Recommendations

- Evidence-based programmes to better understand patterns of intimate partner violence (IPV) among LBT and GNC people in Fiji, and identify better strategies for prevention, and state and non-state response;
- Evidence-based programmes to better understand patterns of family, kinship and societal violence against LBT and GNC people in Fiji; and identify better strategies for prevention, and and state and non-state response;
- Local LBT and GNC people led organisations to work with Ministry for Women, UN Women Pacific, FWCC, Fiji Police Force, Fiji Court system, Fiji Human Rights and Anti Discrimination Commission, NGOs and CSOs, religious groups and others on advancing transparent, accountable and resourced national protocol frameworks specifically designed to address IPV and GBV incidents involving LBT and GNC people, including better strategies for victim disclosure/help-seeking, need for services, and police response/arrest.

- **Review national legislation** to enhance their relevance to all women **including LBT women and gender non-binary people**, and gender equality and human rights, **and ensure that all policies and procedures have direct drawdown from Section 26, Bill of Rights, Fiji Constitutions (2013)**. Reviews to include the Family Law Act and Regulations, the Domestic Violence Act, the Crimes Act, the Criminal Procedure Act, the Sentencing and Penalties Act, the Child Welfare Act, the Employment Relations Promulgation, the Constitutional Redress Rules, **the No Drop Policy**, the Human Rights Commission Act and the HIV/AIDS Act. (Note. Based on NDR 2017-2036)
- All Judges in Fiji to undergo training in international human rights standards related to sexual orientation and gender identity and expression and sex characteristics (eg. CEDAW, ICCPR, ICESCR and CRC Principles and Recommendations, and Yogyakarta Principles)
- Where possible, Judges and lawyers to reference treaty body recommendations on SOGIESC that are relevant to State judiciaries to advance domestication of international treaty agreements;
- Fiji Commissioner of Police to host calendared annual meetings with LGBTI led groups to ensure accurate and timely information-sharing on key issues, positive working relationship with civil society, and clear leadership on LGBTI-friendly policing
- The Fiji Police to provide an LGBTI adviser or focal point in the Police Force to ensure proper implementation of good practices and sensitivity standards, and liaison with diverse LGBTI groups
- Raise Fiji Police awareness of Constitutional, legislation and policies, existing and potential, that can advance more equitable police responses and representations for all women, including LBT women and people, in order to attain fair outcomes
- Upgrade Fiji Police facilities and infrastructure, expand SOGIESC conscientisation programmes for frontline and supervisory staff and provide gender and SOGIESC training throughout Fiji Police Force to improve citizen's access to justice;
- Upgrade Fiji Court facilities and infrastructure, expand SOGIESC conscientisation programmes for legal services staff and provide gender and SOGIESC training throughout Fiji Court system to improve citizen's access to justice.
- Improve infrastructure and design of prison facilities and provide training to all Corrections leadership and Prison officers to be conducive to respect for human rights, gender responsive and focused on restorative justice, rehabilitation and security.

- Inception of Community Corrections 'Front End Diversion and sentencing to community work', including placing LGBTI prisoners at approved LGBTI led community organisations
- Improve police responses to gender based crimes (Domestic Violence, Rape, Sexual Assault, child sex abuse, LGBT homophobia, transphobia and other hate crimes) to attract more reporting, detection of perpetrators and justice administration;
- Review MOU between the Ministry for Women, Children and Poverty Alleviation and Fiji Police to ensure compliance with Section 26 of Fiji Constitution (2013), relevant legislation, National Development Plan and Fiji Gender Action Plan;
- State to review compliance of the Fiji Police in enforcing the Domestic Violence decree and ensure LBT specific provisions are included;
- Fiji National ERAW Service Delivery protocol to improve the delivery of services in response to gender based violence is reviewed in order to include specific reference to LBT women and people and other marginalised and vulnerable groups, and local LBT led organisations are included as frontline responders and full partners in the national Protocol



Key Findings

Religious impacts, Faith and Justice

Quotes

religious impacts, faith and justice

"I love being myself and very appreciative knowing that God has been faithful to me despite the odds being a lesbian....In regards to the whole story of my life and being raised from a religious family background and the emphasis of being righteous in the eye of God. I'm so grateful that God is so down to earth that I can be myself and be expressive and I don't have to pretend before God."

"My mum said,...please Luvequ, I know what you are so please don't do this, it's against Christianity! You know it is a big sin in front of God when we are having a relationship girl to girl or man to man. God will never forgive you, please don't do this."

"So when I was a recruit, these two pastors' came and prayed for me one day and according to them it was because I wasn't doing well. I found out later that they heard a rumour that I was a lesbian. They tried to drive lesbianism out of me, they took me down to the shed and lay hands on me and prayed. I resented them and they both knew it and when I was older I talked to them straight asking them about that day. They tried to drive it out of me like it was a mistake".

"....although my religion allows anyone to enter the church regardless of who you are, I know they preach against being a lesbian or gay and same sex marriage. It is really hard for me to come out as a lesbian to my church members and even to my parents because I fear they might not accept me for who I choose to be."

"I am a 42 year old divorced mother and a victim of sexual abuse. ..I was brought up in the village in a religious and extended family and also my family members hold religious titles. I was brought up by my Dad's parents. Being a tomboy in the family was a big challenge for me, I faced so much discrimination and stigma in the family."

"I come from a family where my Dad and my Mom are strong Catholics and their beliefs are so strong that when I first kissed a girl, it made me guilty. I was a church girl back then and you know involving myself in this kind of situation made me so guilty because you know we are all Christians."

"The biggest challenge I face in my life was when I left my lesbian relationship and I started going to church, that was a big challenge for me. I went through stigma and discrimination with the members of the church because of my past..I saw that they were judgmental, jealous and pushed people aside making us not want to go to church, those are some things that I faced in church. It's true that I don't go to church anymore but I keep praying to God about my life and I keep confessing my sins to God".

Key Findings—Religious impacts and Faith

92.44% of the 645 LBT women and GNC research respondents identify as Christians

6 of the 645 LBT women and GNC research respondents identify as Hindus

30 of the 645 LBT women and GNC research respondents said that they had some other religion but did not provide details, and **11** others say they do not have a religion

84% of LBT respondents attend some form of worship either in a church, mosque, temple etc

1 in every 2 Christian respondent feels guilty about their sexuality

Person (s) in faith based groups, that most discriminate against LBT women and GNC people

Family		81%
Pastor		75%
Congregation		58%
Friends		54%

Experiences and strategies of LBT Women and Gender Non-Conforming People in Fiji on religious impacts, faith and justice.

Freedom of Religion: International Conventions and Domestic Laws in Fiji

There are various international treaties or conventions that provide for the freedom of religion and the perimeters in which this is exercised. However, the primary articles that mandate freedom of religion are as follows:

Article 18 of the Universal Declaration of Human Rights (“UDHR”)⁷³

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

Article 18 of the International Covenant on Civil and Political Rights (“ICCPR”)⁷⁴

“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

So there is no exception or limitation to those who can be protected under these Human Rights provisions. Everyone is included. Similarly, LBT women and people have rights to freedom of thought, conscience and religion as the Articles refer to ‘everyone.’⁷⁵ This applies to choice of belief or religion, the practice of same, and the prohibition of forcing, coercing or restricting someone’s freedom to choose and practise a belief or religion.

There are similar national Constitutional provisions to the international law above. For instance, Section 22 of the Bill of Rights in the Constitution of the Republic of Fiji 2013 states:

“(1) Every person has the right to freedom of religion, conscience and belief.

(2) Every person has the right, either individually or in community with others, in private or in public, to manifest and practise their religion or belief in worship, observance, practice or teaching.

(3) Every person has the right not to be compelled to—

(a) act in any manner that is contrary to the person’s religion or belief; or

(b) take an oath, or take an oath in a manner, that—

(i) is contrary to the person’s religion or belief; or

(ii) requires the person to express a belief that the person does not hold.

(4) Every religious community or denomination, and every cultural or social community, has the right to establish, maintain and manage places of education whether or not it receives financial assistance from the State, provided that the educational institution maintains any standard prescribed by law.

(5) In exercising its rights under subsection (4), a religious community or denomination has the right to provide religious instruction as part of any education that it provides, whether or not it receives financial assistance from the State for the provision of that education.

(6) Except with his or her consent or, in the case of a child, the consent of a parent or lawful guardian, a person attending a place of education is not required to receive religious instruction or to take part in or attend a religious ceremony or observance if the instruction, ceremony or observance relates to a religion that is not his or her own or if he or she does not hold any religious belief...”

The laws in Fiji supporting the freedom of religion are significantly similar to those of international laws. Fiji is in the process of ratifying the ICCPR since accession took place on 16 August 2018. Fiji also became a member of the Human Rights Council (HRC) in 2018⁷⁶ and Fiji’s Permanent Representative to the United Nations, HE Nazhat Shameem Khan became the Vice President of the HRC in early January 2019.⁷⁷

Religious Impacts and Faith

The laws supporting freedom of religion that are stated above provide protection and assurance of one’s choice of religion and practice, as well as the right for LBT women and GNC people to be safe from hate speech and/or practices of homophobia and transphobia practised by said faith institutions. However, implementation of these rights and the extent at which they are exercised is still an issue.

LBT women and GNC people continue to suffer discrimination from religious groups as revealed from the survey. They face enormous internal pain and guilt and yet ***they keep attending their religious institutions due to their faith (84%).**

***One in every two Christian respondents in the survey felt guilty about their sexuality and** revealed that faith was extensively used as a weapon to discriminate them, mostly by Pastors and by Congregations, and also by family member attending Church.

Homophobic and transphobic insults are often spoken or shouted from the pulpit but also through insults at church functions, forced prayer sessions, 'laying of hands' and other violations of the bodily autonomy and integrity of LGBTI people attending the faith group. It happens in some denominations of Christian churches more than others, and there is right now more work to differentiate these, for more effective dialogue and action. Sometimes pastoral led sessions with LBT women and GNC people can involve violence and physical assault, and there have also been cases where pastors have used their positions in Church to sexually assault members of the Church, under the guise of exorcisms, laying of hands, pastoral care and other invasive practices. We do not have numbers on how often this has used on LGBTI people, but we have more anecdotal information and we will be carrying out further specific studies on this area of human rights violations.

The implementation of the Bill of Rights on Freedom of Religion and the Right to Equality and Freedom from Discrimination,⁷⁸ is only as effective as it is able to translate into a strong protection mechanism of the human rights and legal rights of LGBTI people. It is hoped that these Constitutional and human rights frameworks can be used more consistently and effectively by State and non-state actors to ensure that there is public societal understanding that people must be able to practice their religion and faith without stress and duress, in complete mental and physical safety.

Intersections of Gender, Ethnicity and Religion

It is important that we are clear on the massive societal impact of Christian pastors and constituencies on the wellbeing of LBT women and GNC people just from sheer constituency size in Fiji, and that the State must take very seriously and diligently its role as duty bearer for human rights including the rights of LGBT people to worship freely, openly and without violence, stigma and fear. So too for Church leaders, CSOs and NGOs, and the wider community.

Of the 645 LBT women and GNC people who participated in this survey, 92% of the 645 respondents to the survey self-identify as Christians. This is consistent with the respondent sample that is heavily skewed toward iTaukei LBT and GNC people, as raised in other sections. However, it would have been good to work on this further with Census numbers, which we are not able to do at this time. The 2017 Census Report states that Fiji's population stands at 884,887. But we cannot source any public cross-tabulation by gender, religion and ethnicity, nor by religion and ethnicity. As a significant proportion of iTaukei LBT women and people identify as being Christian as in this survey (92%); reporting high instances of stigma from Christian religious groups (4 in 5 respondents), and as these women suffer major internalised guilt for their sexuality while still attending their place of worship every week (84%) and we are trying to deal with consequential stigma, violence, removal from homes, homelessness and other issues, it would be useful to have access to further census data desegregated by gender, ethnicity and religion, for this work.

National Gender Policy

In 2014, the Fiji National Gender Policy⁷⁹ was signed and approved by the then Minister for Social Welfare, Women and Poverty Alleviation, the late Dr. Jiko Luveni. The Policy was designed to promote gender equality in Fiji. The Policy aims to:⁸⁰

- Improve the quality of life of men, women, boys and girls, at all levels of society through the promotion of gender equity and equality.
- Reinforce the inextricable links between gender equality and sustainable development goals in national development.
- Promote active and visible gender mainstreaming in all sectors and within civil society to ensure agency for gender equity and equality in all spheres of national life.
- Remove all forms of gender inequality and gender discrimination in Fiji.

While the policy refers to removing all forms of gender inequality and gender discrimination in Fiji, in the National Gender Policy there are no specific references to LBT women and people.⁸¹ There is a brief reference to religion and culture, providing for a regular consultation to take place with traditional and religious leaders and provincial organisations to ensure progressive changes of cultural practices which discriminate women.

Secondly, there is also mention of a consultation with faith based organizations in the Policy to ensure “the inclusion of gender competence training in all faith based seminars and workshops to ensure that religion is not used to entrench gender inequity.” Certainly, sessions on universal human rights, gender and SOGIESC could be usefully and easily included here by DIVA for Equality and others as in the work with the Fiji Police Academy, in partnership with the Ministry for Women, UNWomen, OHCHR and others.⁸²

Faith Based Institutions

As stated earlier, about 84 percent of the respondents attend some form of worship either in a church, mosque and temple. They also shared their experiences where faith was used as a weapon to discriminate, including in religious institutions. Below are results of those groups most responsible for the discrimination against LBT women and gender non conforming people in Fiji:

Person(s) in faith based groups, that most discriminate against LBT women and GNC people	Percentage of respondents
Family members	81%
Pastors	75%
Congregation of Church, Mosque or Temple	58%
Friends	54%

As well as dealing with homophobia in their places of worship, the generalised leadership environment in Fiji can be toxic and traumatizing for LGBTI people. There is further trauma when public figures reiterate views that ferment moral panic against Fiji citizens already facing serious violations, stress and trauma in their lives, often from early childhood and adolescence. As an example, when the Fiji Prime Minister recently stated that no Fiji First led government will allow same sex marriage in Fiji, this became a running news story.⁸³ Some religious institutions when asked by media, publicly shared perspectives on this issue and agreed with the Fiji Prime Minister.⁸⁴ However, the Archbishop of the Catholic Church in Fiji, Peter Loy Chung had taken another tone earlier (in 2016) that states that Catholics are to treat various gender diverse communities with equal value. He further stated at the time; “For us, everyone is the same and this has also been addressed by the Pope, who made special reference to members of the lesbian, gay, bisexual, transexual and intersex (LGBTQI) community.”⁸⁵ The Methodist Church of Fiji and the Arya Pratinidhi Sabha of Fiji also expressed similar sentiments and refused to be drawn on the usual hot-button topic of same sex marriage. As faith leaders, they concentrated on discrimination, human rights, safety and justice for LGBTI people. This was warmly received by younger public and civil society, including LGBTQI led groups.⁸⁶

In spite of some progressive and nuanced views of Church leaders, this does not mean that discrimination cases against LBT and GNC people have been adequately addressed. Individual pastors, priests and congregations can be very diverse. As seen in the previous table, a majority of members of the LBT community who took the survey continue to suffer discrimination. However, many LBT led groups now are able to work more positively and consistently with progressive Church leaders and others, so that in more areas there are human rights framed, just and empathic approaches to sexuality and gender, SOGIESC, religion and faith, in ways not prior seen in Fiji. It is hoped this continues and deepens with time.

Key Recommendations

- The State must be publicly clear on denouncing any religious and political discourse that promotes stigma, violence and discrimination against lesbians, gay men, bisexual women, transgender women, transgender men, people with non-conforming gender identity and expression, and intersex people, and provide positive informational campaigns on diversity and societal inclusion;
- Religious denominations need to advance progressive and ‘do no harm’ approaches to diverse non-heteronormative faith communities, and to address cases of discrimination against LGBTQI members;

- The State and the Fiji Bureau of Statistics to consider including gender, ethnicity and religion into publicly available Census Reports and policy analysis;
- Policy makers and members of parliament need to be trained on human rights enshrined in the ICCPR and the Bill of Rights regarding Freedom of Religion, Right to Equality and Freedom from Discrimination in consideration of LGBTQI people;
- Gender sensitization and SOGIESC trainings of Parliamentarians and policy makers are needed to ensure the education and understanding of the Fiji Constitution (2013) Bill of Rights, the ICCPR, UDHR and CEDAW so that they can be reflected clearly and accurately in policies and processes of the State;
- A multistakeholder approach to advocacy and education on inclusion of LBT by Policy makers, government officials, faith based and CSOs.
- Religious leaders, priests, pastors and congregations need to attend Gender, SOGIESC and HR sensitisation trainings organised by government and relevant LGBTQI led civil society organisations. This will also allow dialogue and practical progress to address fears, ensure evidence-based knowledge and stop misinformation from circulating and causing damage;
- Religious leaders need to utilize an approach that is considerate of their members intersectional identities, and interlinked needs;
- CSOs need to work with religious institutions in terms of monitoring treatment of LGBTQI and their ability to exercise freedom of religion. This could also assist in terms of identifying issues and working with religious institutions to address them.
- LBT organisations to reach out to religious leaders and creating dialogue spaces to talk about LBT inclusion, including providing LGBTQI, youth-led and women-only spaces.



Key Findings

Resistance, Joy and Liberation

Quotes

resistance, joy & liberation

"I am happy being in this relationship...I'm happy that I found a good partner, a girl that can look after me, that will always be there in times of trouble and I'm also happy that I've joined a group, DIVA for Equality."

"I am happy with my girlfriend and her daughter and my son, they keep me happy because they made me the person I am today. I don't regret having a son....They are the happiness in my life. I am happy with them every day; they make me smile...."

"I really love having physical contact with a woman, I just enjoy it!"

"We talk and we try to understand each other and another thing is when we at my workplace we do understand each other better and we share stuff like how do I live with my partner and stuff like that and vice versa and they talk about their partners and family as well...."

"Since my family does not understand me I prefer to come out and look for a safe space where I can be who I am where I can be on my own, do what I want to do and be happy."

"Being in a small community is okay because we have good relationships with both families and relatives and also because we involve ourselves in family functions. Everything is well with my family and my partner's family."

"So my journey was a tough journey but through all my journey I just had to be strong and the most thing that I had to carry around with me was encouragement, courage, kind, love and to help that they are in need of you the most. So, I'm happy to what I am today and I like to thank all the people that have helped me through all those struggles and for helping me in my journey".

"I just can't wait for the time to graduate, get a job and just move out, live my own life, so that when people talk or say things about me, I will just ask them, are you paying the bills or putting food on the table? But I know there will come a time when I will get through this and I didn't even think that there would be a time...I hope that, and wish that whatever we are fighting for, whatever goals that DIVA has set for us will be achieved".

Key Findings—Resistance, Joy and Liberation

2 out of 3 LBT women and GNC people in the survey believe that building a stronger LBT movement is important in Fiji.

70% LBT women and GNC respondents currently do not participate in any organised LBT movement building activities.

77% of respondents would like to get involved in organised community building activities.

4 out of 5 LBT women and GNC people in the survey are comfortable living in Fiji as a lesbian, bisexual woman, transman, transmasculine or gender non-conforming person.

66% LBT women and GNC respondents believe that building a stronger LBT social movement is important. They were very clear on what issues they consider important for further work with the top three being: 1) advancing human rights, 2) advancing sexual rights and 3) addressing violence against LBT women and GNC people

Keeping Joy, Building Local Activism, and Strengthening links to Regional and Global Work

Is there positive change being made? Are we advancing in any of the areas covered in this report? Yes. Of course. There is much to be celebrated and affirmed. But progress is too slow and too small for our need. There are always capacity issues, and fundraising concerns in any social justice work. There are the particular organising realities of communities that have faced so much stigma and discrimination. It is not easy, and takes perseverance, solidarity and strategy, to be sustainable.

There is, as we say often, a world of difference between standing on the outside and describing a rock being pushed up a mountain, and critiquing from safe vantage point on how that 'should' happen. It is an entirely different thing - to push that rock up the mountain.

There is backlash and pushback when any major change comes to societies, and especially to small island societies, even when it is positive change. Many in society claim undue external influence if change comes that appears to really challenge longtime politicised, masculinised patriarchal institutions. Those who have held a lot of power, experience any change as risky. Media and other influencers also use progressive social views as ways to stir up controversy and try to sell more newspapers in a small circulation pool. They ask hot-button questions such as, 'Does feminism mean that women will take all power from men?' 'Why do children talk about their rights now, when they should just be listening to their parents?' 'What will happen if same-sex marriage comes to Fiji?' 'What are all these new ideas taking over our country?' These self-serving interventions create moral panic. Online social media trolls and local grog circles take up the job, creating dramatised, under-thought and under-informed responses. So it is important to be clear on this process when it happens, and its origins in fear, information commodification, and protection of power and territory.

Meanwhile, mainstream Fijian society is always changing and negotiating daily on globalised, regional and local needs. So too, there is always negotiation on advancement of human rights, including sexual rights. This is clear from the decades-long work of the earliest LGBTQI led civil society groups in Fiji that started between 1980s to early 2000s including Sexual Minorities Project, Survivor Advocacy Network, Equal Ground Pacific, MenFiji and more, to more recent work from the 2000s to date of Pacific Sexual and Gender Diversity Network, Rainbow Pride Foundation, Pacific Rainbow Advocacy Network, Haus of Khameleon, Diversity network, Patriot rugby Club, Strumphets network, Oceania Pride and others. Along with DIVA for Equality from 2011, there are now diverse organisations and programmes working for human rights of LGBTQI people, and on sexual rights, SRHR and gender in Fiji and the Pacific.

LBT women and GNC people organising in Fiji are always challenged by patriarchy and toxic masculinities inside and outside the movement, and in our work. Fiji and the Pacific are hyper-developmentalists, and face manipulation by cultural, social, political and other actors

Too many cultural apologists (often white or western trained middle-class urban development workers) say to local activists, 'But this change is too fast!' or ask questions such as 'Do you think that perhaps you might be imposing this change on Fijian society?' - this said as though Fijian society is ever monolithic or 'owned' by any one set of actors. It is not. We the people, all negotiate and decide. All societies work that way.

We have others who openly challenge the fierceness of the politics that has grown through the praxis since 2011. Many of those who could change things for the better for LBT people say, 'This is my area, not yours, stay over there in LGBTQI work'. Others work from sentiments that are quietly if not publicly expressed such as, 'let's not bring up issues of human rights for LGBTI people.'" or "Let's not work publicly on human rights of lesbians as part of women's human rights. 'It is not for now'. It is not for here', 'Your group is too grassroots' through to, 'It is just too hard.'

The opposite is also true. Aside from gaps and obstacles, now we sometimes see LGBTI groups newly established from abroad suddenly working in Fiji and the Pacific and foisted on us by development partners as if we must work with them as their due, or others who are from mainstream development institutions suddenly offering programmes in LGBTQI human rights, with little expertise and limited success.

We say, NO. This is about Fiji people fulfilling our promise of sustainable development, and about maturation of democratisation and rule of law. To respect human rights of LGBTI people in Fiji is about ensuring universal human rights and access to justice. We cannot wait. We will do the work.

As a strategy, we remember that all cultures and societies are fluid and changing and that LBT women and GNC people negotiate change in society, as much as anyone. The question of who gets to define/transform Fiji cultures and society and who has the right to challenge and change, is always up for debate and dialogue. The right of any Fijian citizens, to publicly disagree when damage is done to them and to call for change is a core human right. It is one that goes often unpractised and unheard under the pretence of wholesale preservation of society and culture when really any and all culture and societal practice is intersectional, claimed and counter-claimed, shifting, blurred, negotiable - and full of potential.

There is always power negotiation in our communities and we affirm this, own it and teach about it: For example, to be an i Taukei Indigenous woman in Fiji is not the same as being an i Taukei or Indigenous man, and being a woman of chiefly descent is not the same as being a Commoner. Neither is the Indo-Fijian woman in Suva experiencing a similar life to one in Tavua. A chiefly woman may have high social power, but also be a victim of domestic violence and have almost no power nor decision-making over her private life, just as a lesbian owning her own successful business in Fiji may have major purchasing power and much less power socially than other Fijian women with far less money and resources, due to her sexuality and gender identity, or expression. This is intersectionality.

The human rights struggle of LBT women is an example of negotiation over what it is to be human, to be Fijian, to be women and gender non-conforming, and to be fully accepted in this or any society. LBT women and GNC people live everywhere in society, sometimes in the mainstream or quietly passing as heterosexual, or others open in their sexuality. Always we are creating alternate forms of family, kinship and ecosystems of care wherever we are, because we must.

UNSTOPPABLE! JOURNEYS TO JUSTICE

So we claim the liminal and moving social space in Fiji as ours, and work with others and help change to happen. This is what DIVA for Equality and the growing social movement of LBT and GNC is doing. In similar but different ways, it is what Fiji feminist and women's human rights and LGBTI led groups have been doing over decades and building on earlier work of groundbreaking women-led groups such as Ruve and Na I Soqosoqo Vakamarama ITaukei and Fiji Muslim Women's League, for all women and girls. Since the 1980s Fiji has seen the rise of women's and universal human rights framed groups such as Women's Action for Change, Fiji Women's Crisis Centre, Fiji Women's Rights Movement, femLINKPACIFIC, Oceania Pride, Rainbow Pride Pacific, Haus of Khameleon, Survival Advocacy Network, and many others.

DIVA for Equality has 5 feminist cross-linked workstreams and multiple programmes and projects to address violence, stigma and discrimination against LBT women and people - working with 9 Hubs and several other coalitions and networks to build a clear, sustainable and accountable constituency framework, organising structure and process, grounded and useful analysis that 'bubbles up from the base', advocacy strategies, national stakeholder relationships and wider movement accompaniment strategies to remain strong and effective in the long systems change work ahead. This is how we will succeed.

We are with the late African-American feminist lesbian activist Audre Lorde when she said, 'Your silence will not protect you'. This report helps to keep breaking the various conspiracies of disdain, prejudice, silence, neglect, and the indirect and direct violation of human rights of lesbians, bisexual women, transmasculine people, transmen, and people with non-conforming gender identity and expression, and the whole LGBTI community in Fiji and the Pacific. This is what we have been doing in our work programmes and how we are doing this work to date. We have several strategies that can be shared on starting, holding and building this work, for other groups who may be interested.

First, the DIVA for Equality Management Collective and hubs are very clear on our political background, origins, and future. This work is economic South framed, it is feminist, and it is local Fijian. It is aimed to always foreground rights and freedoms of people of Pacific small island states. It is led by Fiji feminist LBT activists, is activist and advocacy focused, and clear on vision, mission and workstreams, working on embodied rights, interlinkage and intersectional realities of LBT women and GNC people, and inclusive of all.

Second, DIVA for Equality keeps ourselves focused and safe by fully and publicly claiming the Republic of Fiji Constitutional promise (2013) that all persons, including women in all their diversities and throughout their life cycles, “...should be treated equally regardless of their actual or supposed personal characteristics including sex, age, ethnicity, religion, sexual orientation, gender identity, gender expression, primary language, disability, economic status, family status or opinion or other status.”⁸⁷

Third, the specific rights for women enshrined in the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** are important for LBT women and GNC people in Fiji, as around the world.⁸⁸ The CEDAW Committee has elaborated on the rights contained within the treaty through a number of General Recommendations.

We remind that CEDAW General Recommendations expressly mention SOGI, LBT persons and/or sexual minorities, in the following ways⁹¹ : General Recommendation No. 28, on the core obligations of State Parties under Article 2, recognises the role of intersectionality in women’s experience of discrimination based on sex and gender, and acknowledges that discrimination against women is inextricably linked with other factors such as sexual orientation and gender identity. **General Recommendation No. 27**, on older women and the protection of their human rights, acknowledges that sexual orientation and gender identity may be one of the multiple and compounding forms of discrimination experienced by older women. **General Recommendation No. 33**, on women’s access to justice, similarly acknowledges that a person’s identity as LBT may be an intersecting and compounding ground for discrimination and that some women are disproportionality criminalised, such as lesbians, bisexual women, transgender and intersex persons. More recently, **General recommendation No. 37**, on Gender-related dimensions of disaster risk reduction in the context of climate change underscoring the urgency of mitigating climate change and highlighting steps to be taken to achieve gender equality as a factor that reinforces resilience of individuals and communities globally in the context of climate change and disasters. It highlights that situations of crisis exacerbate pre-existing gender inequalities and also compound intersecting forms of discrimination including for sexual minorities, among others.

In addition, a number of other General Recommendations which do not expressly mention sexual orientation or gender identity may also apply to LBT persons. This includes: **General Recommendation No. 19** on violence against women, which discusses the role of traditional attitudes and stereotyped gender roles in perpetuating violence against women; **General Recommendation No. 23** on political and public life, which acknowledges the cultural traditions and religious beliefs that have played a part in confining women to the private sphere and excluding them from active participation in public life; **General Recommendation No. 24** on women and health, which guarantees all women the right to access health care services, including for their sexual and reproductive health; **General Recommendation No. 29** on economic consequences of marriage, family relations and their dissolution, which emphasises State Parties’ obligation to address sex- and gender-based discrimination in relation to family relationships; and the **Joint General Recommendation/General Comment No. 31 of the CEDAW**

Committee and No. 18 of the Committee on the Rights of the Child on harmful practices, which identifies gender stereotyped roles and attempts to exert control over the bodies and sexuality of women and girls as a harmful practice.

Fourth, whether working on analysis, advocacy, policy or development alternatives, DIVA for Equality as an organisation and as part of an LBT led Fiji social movement, is progressively better over time at clarifying and claiming our own path, and making paths with others.

Movement members are claiming principles, building solidarity, autonomy, contextual strategies, becoming more self-directed and working from a joint vision, mission and politics as clarified through our Constitution, feminist Code of Conduct, policies and process. We move with better thinking, better organising politics, and better collective focus on our paths of embodied justice, solidarity, resistance, universal human rights and freedom. We keep building the roads as we walk them. ⁹²

Key Recommendations

- Civil society organisations, LGBTQI led and not, continue to provide positive, fierce, accountable and just strategic interventions, community accompaniment and maximum available resources to support and include LBT and GNC people in programming focus, design, implementation and M&E
- LGBTI groups continue to build strong, principled, intergenerational, accountable, solidarious and resourced LBT women's and GNC people's feminist organising hubs in urban informal settlements, rural and maritime communities;
- Civil society, with the Government and all other parties, builds strong, principled, intergenerational, accountable, solidarious and resourced inclusion initiatives with LBT women and GNC led groups, from an experimental and experiential praxis model
- DIVA for Equality and other CSOs to use the '1 principles', 'South Feminist Manifesto' and various local, national, regional and global feminist Outcomes statements and movement agreements to guide activist and advocacy work, and to ensure clarity, strategy and effectiveness in proposed future movement work for universal human rights, and justice for all.
- Ensure that the Fiji Government reviews law and practice drawn down from the Bill of Rights of the Fiji Constitution 2013, and acts with maximum available resources to advance universal human rights and sexual and gender justice for all LGBTI people in Fiji;
- Fiji Government to prioritise gender and SOGIESC responsive investments, policies and programmes to align action with the principles, values and aspirations of the 2030 Agenda, national Development Plan, and other national and regional plans of action;
- All development stakeholders review sustainable development plans, in order to improve SOGIESC desegregated gender data, statistics and analysis to effectively monitor progress for LGBTQI people across all SDG goals and targets.

Conclusion & next steps

This report provides quantitative and qualitative information and analysis, on the lives, challenges, and hopes of LBT women and GNC people in Fiji.

The report continues a discussion and negotiation with the State as primary duty bearer for human rights, and all non-state actors and wider society, so that all Fijians can experience justice and have our human rights recognised, implemented and protected.

For feminists and LGBTI led groups in every country including Fiji, there is much work to do alone and together, and here are some key reflections from DIVA for Equality and others:

Gender equality for all people is only ever really progressed through an understanding of gender as existing beyond binary sex characteristics such as male and female, beyond gendered norms of masculinity and femininity, and by understanding that gender, gender identity, sex and sexual orientation are not rigid, unchanging concepts. The CEDAW Committee notes in its General Recommendation No. 28, that, “discrimination against women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity”. Each status forms bases for discrimination. Therefore, as they interlink, the risk of social exclusion and marginalization not only deepens, but also acquires an enduring quality, over generations.

So to genuinely advance gender justice and women’s human rights, the state of Fiji must legally recognize intersecting forms of discrimination and their compounded negative impact on the women concerned, it must prohibit them, and it must carefully address them through progressive realisation, and with maximum resources. Successive governments, no matter their internal and external politics, must adopt and implement policies and programmes designed to eliminate intersectional inequalities, address structural inequalities, and persistent gaps and obstacles.

It is important for the Government, civil society and all development actors to address additional challenges and barriers faced by lesbians, bisexual women, transgender and intersex people related to living in a patriarchal society. This includes the subjugation of women and the dominance of men across many spheres of society, both in private and in public. ⁹³

This struggle for women’s freedom can set up uneasy relationships between feminists and lesbians, and between women’s movements and lesbian movements, and this is not an easy subject for generalization.

As Cynthia Rothschild (2005) points out, these relationships, *“rest on histories specific to cultures or regions. Women with diverse backgrounds build and set limits to political alliances depending upon historical moments and political climates... Alliance-building or alliance-breaking cannot take place in a vacuum; women develop strategic responses to, as well as*

fears about, the myriad means by which state and private actors deploy ideas about sexuality and gender."⁹⁴ This is also true for the Pacific, and for Fiji.

DIVA for Equality ask those who work with us to make explicit commitments to proactively increase their knowledge and solidarity on SOGIESC, on gender and human rights, and in addressing discrimination and violence of LGBTI people - not just acting to 'advance the cause of women' (whatever that means). It is important that the mainstream women's movement, human rights organisations and Governments do not presume that mainstream concepts and work in gender, are enough to advance SOGIESC and LGBTQI human rights work. Some conceptual work still in circulation has been developed decades prior, or emptied of much meaning over time, and meanwhile evidence-based knowledge of sexual rights and gender justice has deepened, and changed. Ask those who live these struggles. Ask LGBTQI, SRHR and sexual rights technical experts. Often those who teach gender and human rights in mainstream spaces, are those who most need to learn.

DIVA for Equality rejects an understanding of women's inequality as grounded in biological determinism.⁹⁵ What does this mean in practice? It means that we can move forward to identify and work through life experiences that are not rooted in biology. Therefore we recognise that transgender women are women, transgender men are men and some people identify as neither. Full stop. Therefore we recognise that intersectional discrimination occurs on the basis of sex characteristics, gender identity and expression, as well as on the grounds of sexual orientation. Full stop. Therefore we recognise that those intersectional discriminations also intersect with other violations relating to many other variables such as disability, ethnicity, age, work, location, and more. Full stop.

It makes it easy for us to be close accomplices and stand firmly with transgender people's political struggles, and to stand against the anti-transgender rhetoric that is unfortunately causing conflict within parts of the feminist movements today. 'All struggles are connected, and none are free till all are free', is the leftist progressive social movement call, and DIVA for Equality agrees.

In advancing rights related to SOGIESC and sexual rights, sometimes activists and advocates negotiate movement positions that compromise too much, that render sexuality less visible, or secondary in consideration to other priority positions. This is dangerous and ineffective. To design from the beginning, is always preferable to retrofit design. Since 2011, DIVA for Equality tries never to water down our sexual rights positions in order to win support of other groups within feminist movements, or when building careful interactions with State or development partners. However, when one holds firm ground this can mean very uncomfortable positions with allies. It is necessary to know the 'political North' of a civil society group, to be able to consistently articulate it, and to hold firmly to that direction of work, when all around the ground is moving, chaotic and full of challenge.

The wider reality, is that as a South feminist LBT led collective working from intersectional and interlinkage based politics, there are always fissures and discomforts as well as surprising alliances, wherever we find political differences in elitism, racism, right to speak, class, privilege and entitlement. This is common between feminists living in the economic North and those living in the economic South for example; between white feminists, black feminists and feminists of colour and between, for example, Australian and New Zealander feminists, and/or Pacific feminists living in the diaspora and those in Pacific small island States and territories, Indigenous feminists and those from ethnic minorities, women with disabilities and abled feminist and women-led civil society groups, faith-based and secular groups and/or those from Christian majority and non-majority religions in Fiji, and many more differences.

As well as discussions on politics of whiteness, urban privilege, capitalist capture of social movements, and class, privilege and elites, another example of ongoing intersectional work is discomfort with the fact that this research has small numbers of Fijian LBT and GNC people of Indian descent. As is raised repeatedly by some activists internally and externally, this is a major organising gap for DIVA for Equality, needing adequate remedy and strategies.

This report provides momentum for further inside and outside work on constituency, justice and transformative quality of DIVA and other LBT and GNC organising, and potential movement toward emergent additional organising spaces. Just as there has been identified the need for LBT feminists to organise in their own non-mainstream groups and built by DIVA for Equality since 2011, so too the social movement must now prioritise intersectional work in further areas including ethnic diversity.

It is best not to paper over or belittle intersectional difficulties and divergences, nor to overstate them or silo them from other areas of work. Rather to be clearer in progressive responses, working through possibilities carefully and with as much energy as possible; advancing where able and walking away where not currently possible or where the issue is too deep for healthy work. We must use healthy praxis, creative disruption and not destruction, will ensure there is open space for future work, while affirming what is already happening. We must be proud of achievements in these nine years, and refuse artificial partnerships and shallow proposals arising from lowest common denominators. The movement must both seek emergent and transformational change. Be clear on what we have done, and what is left to do.

The 'I Statement' of DIVA for Equality best demonstrates the original commitment of DIVA for Equality activists across Fiji to build grassroots-led and principled feminist resistance and liberation struggles - getting stronger as we work together. This is the core work. We stay very clear on who we are, how we work, with whom and on what - and make those decisions as a Collective and constituency so that LBT women and GNC people who have experienced the most pain with the least power and privilege, are at the forefront of feminist, LGBTI and wider social movements. Onward.

GUIDING OUR PRAXIS: DIVA FOR EQUALITY 'I' STATEMENT



I AM A FEMINIST

I AM ACTIVE

I AM AUTHENTIC

I AM ASSERTIVE

I COMMUNICATE WITH CARE

I LISTEN DEEPLY

I ACT AND REFLECT, AND ACT AGAIN

I AM GROWING

I AM ENOUGH

I AM TRANSFORMING MYSELF

I AM TRANSFORMING THE WORLD



End Notes

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 "(1) Every person is equal before the law and has the right to equal protection, treatment and benefit of the law.
 (2) Equality includes the full and equal enjoyment of all rights and freedoms recognised in this Chapter or any other written law.
 (3) A person must not be unfairly discriminated against, directly or indirectly on the grounds of his or her—
 actual or supposed personal characteristics or circumstances, including race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy; or
 (b) opinions or beliefs, except to the extent that those opinions or beliefs involve harm to others or the diminution of the rights or freedoms of others, or on any other ground prohibited by this Constitution..."
79. Section 26 of the Constitution of the Republic of Fiji 2013:
 "(1) Every person is equal before the law and has the right to equal protection, treatment and benefit of the law.
 (2) Equality includes the full and equal enjoyment of all rights and freedoms recognised in this Chapter or any other written law.
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 actual or supposed personal characteristics or circumstances, including race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy; or
 (b) opinions or beliefs, except to the extent that those opinions or beliefs involve harm to others or the diminution of the rights or freedoms of others, or on any other ground prohibited by this Constitution..."
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88. <https://www.un.org/womenwatch/daw/cedaw/>

89. SOGI is an acronym for 'Sexual orientation and gender identity'. There has been work to expand this acronym to include 'sexual orientation, gender identity, gender expression and sex characteristics' or SOGIESC. Generally current UN texts use SOGI to date, and LGBT.

90. LBT is an acronym for 'Lesbians, bisexual, transgender and intersex people. There have been critiques of this term as it mixes together sexual orientations (LG) with a gender identity category (T), and a term Intersex that is used for people are born with sex characteristics (including genitals, gonads and chromosome patterns) that do not fit typical binary notions of male or female bodies.

91. 'Sexual minorities' is a term that is used less often today in civil society and social movements, because of the possible connotation of the word 'minority', to mean lesser than a 'majority' and therefore not as fully considered in national discussions. However, some sectors of State and non-state actors still use the term in a non-pejorative sense. Alternatives include 'gender variant' and 'sex and gender variant' with can include intersex people as well (see above).

92. After Horton, M and Freire, P. *'Make the Road by Walking: Conversations on Education and Social Change'*. Temple University Press; Reprint edition. 1990.

93. UNWomen, 2018, *'UN Women Internal Guidance Note on LGBTI Programming and Advocacy'*.

94. Rothschild, C. 2005. 'Written Out'. How Sexuality is used to Attack Women's Organising'.

95. IGHR, 2009. 'Equal and Indivisible: Crafting Inclusive Shadow Reports for CEDAW'.

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